

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
OFFICE OF TRAINING AND DEVELOPMENT**

**ICE Academy
Enforcement and Removal Operations**



**ERO PHYSICAL EVIDENCE
Lesson Plan**

**FIELD OPERATIONS TRAINING PROGRAM –
PROSECUTIONS**

CONTROL PAGE

Developed By:

March 2011

(b)(6),(b)(7)(C) CDI / DO, ICE Academy - Advanced

Signature

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Record of Changes

Date of Change	A=Add. M=Mod. D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
11/15/11	M	Clarification on Forfeiture and Evidence Disposal	Confer with ICEOPLA (b)(6) (b)(6), (b)(6) Glynco, GA	
4/12	M D	Clarification of Abandonment form and delete use of Destruction Form	HSI asset forfeiture clarifications to errors in LP	
6/12	A	Federal and Local Thresholds. No title 21 authority. Know if your state has a firearms database.	HSI is teaching "threshold" concept to ERO basic, and it is recommended that prosecution officers know thresholds for various crimes	
10/12	A M	Add description of Pre-practice Minor tech edits	Students will now practice evidence collection in MCR prior to LAB. OTD review	
1/13	A	Reference to ERO 11156.1 Enforcement Operations Property Protocols issued 12/3/12 and update Pre-req/EPO 2 and 3 to reflect this policy	Enforcement Operations Property Protocols established policy/procedure for seized, abandoned or forfeited items.	(b)(6), (b)(7)(C) CDI ICE Academy Charleston
4/13	M A	Modify TPO New EPO - Lecture, demo, practice and test	Improve behavior and criterion 12/2012 Enforcement Operations Property Protocols and EABM I-44 Processing Guide	

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LESSON DESCRIPTION

I. LESSON TITLE

ERO Physical Evidence

II. PROGRAM/COURSE TITLE

Field Operations Training Program - Prosecution

III. DESCRIPTION

This course is designed to enable ERO officers to recognize physical or real evidence as well as situations in which an officer may legally seize or detain evidence and/or property, to include abandoned property. Through lecture, demonstration and practice in a case scenario, the students will be able to initiate and record the chain of custody for seized evidence and property, and properly package, transport, secure and dispose of that evidence.

NOTE: The student practice and assessment are described in the FOTP-P CCS Guide, specifically phases 14, 19-20 and 24, and the Day 14/15 Final Practical Exercise (P.E.).

IV. TERMINAL PERFORMANCE OBJECTIVE

- Condition:** Given a field situation in which a search warrant has been executed, and a search for physical evidence has been initiated,
- Behavior:** the ERO officer will secure and dispose of evidence,
- Criterion:** in accordance with the Federal Rules of Criminal Procedures, the Federal Rules of Evidence and ICE policy and procedures.

V. ENABLING PERFORMANCE OBJECTIVES

EPO #1: Recognize the type and likely manner in which evidence may be encountered by ERO.

EPO #2: Initiate and maintain a chain of custody on evidence.

EPO #3: Package, transport and store evidence.

EPO #4: Request laboratory examination of evidence.

EPO #5: Record evidence in (b)(7)(E)

EPO #6: Properly dispose of evidence.

VI. LENGTH OF LESSON

PRESENTATION (Including Demonstration)	STUDENT PRACTICE	STUDENT EVALUATION	TOTAL
4 hrs	3 hrs	2 hr	9 hrs

LESSON ADMINISTRATION

I. LESSON TITLE

ERO Physical Evidence

II. RISK MANAGEMENT PLAN (If Required)

Only government vehicles or government rental vehicles will be used. Any accidents or injuries will be reported to the Section Chief or Unit Chief. Risk Assessment Sheets will be completed for the lab and P.E.

III. FACILITY REQUIREMENTS

Main classroom with computers equipped with (b)(7)(E) training system (up to 24 students with instructor station with presentation equipment)
2 Break-out rooms with computers equipped with (b)(7)(E) training system (for up to 8 students and 1 instructor)
Raid Houses and Role Players (see FOTP-P CCS)

IV. TRANSPORTATION REQUIREMENTS

Students will use government vehicles during the FOTP-P CCS to arrive at and depart from raid house locations in which criminal warrants will be executed.

V. REQUIRED STAFF

One instructor is required for lecture and demonstration portions of this course. If possible, a secondary instructor, who is a subject matter expert in Federal Rules of Evidence, should assist the primary instructor. All three CCS Coordinators (CCS-Cs) as well as six Tactics Instructors (TIs) are required for the lab and P.E.

Instructor Preparation: For lecture portion of this class, instructor must be familiar with the Execution of Criminal Warrants LP as well as the ICEEOPLAN LP as all three are inter-related. For the LABS and P.E., CCS-Cs and TIs must be familiar with the FOTP-P CCS Guide (Phase 12–14, 19-20 and 24 and Day 14/15 Final P.E.).

VI. ACADEMY PROVIDED TRAINING AIDS/EQUIPMENT

- Instructor Guide – ERO Physical Evidence
- Instructor Guide – FOTP-P CCS Guide
- Power Point Presentation
- Individually issued secure thumb drive containing reference material
- Government Vehicles
- Role Players
- Raid Houses
- Red Guns
- Evidence Kit to include associated forms
- Mock Evidence
- Radios

VII. STUDENT PROVIDED EQUIPMENT

- Duty gear for enforcement operations, to include but not limited to:
 - Flashlights
 - Body armor carrier
 - Handcuffs/key
 - Magazine pouches

VIII. STUDENT SPECIAL REQUIREMENTS

- ICEEOPLAN LP
- Execution of Criminal Warrants LP

IX. STUDENT HANDOUTS/MATERIALS

- To be provided in participant workbook:
 - Example DHS Form 6051S
 - Example Seized Property/Evidence Logbook (to be used for the CCS)
 - Example evidence
 - Example I-44
 - Example ICE Form 73-003 (FDL Request)
 - Example Forensic Document Lab (FDL) Report
 - Example Destruction of Evidence Memo
- To be contained in Evidence Kit:
 - DHS Form 6051S, D and A
 - Evidence Bags, Tags (DHS Form 366), Boxes
 - Evidence Tape
 - Gloves, Masks
 - ICE Form 73-025 – Miranda
 - ICE Form 73-005 – Consent to Search
 - ICE Form 73-027 – ICE Booking Sheet
 - DHS Form 4607 – Notice of Abandonment
 - G-56
 - Photo Log
 - Room Identification forms
 - Blank I-213
 - USM312 (booking sheet)
 - Sketch paper/notepads/pens/pencils
 - Digital camera/batteries

X. ATTACHMENTS

- To be attached to the student thumb drive
 - Blank DHS Form 4605 – Currency/Monetary Seizure Inventory
 - Blank DHS Form 4607 – Notice of Abandonment
 - Sample CF6025 – Seized Property/Evidence Logbook
 - Sample DHS Form 6051A – Custody Receipt for Detained or Seized Property (Continuation Sheet)

- Sample DHS Form 6051S – Custody Receipt for Seized Property and Evidence
- Sample DHS Form 366 and DHS Form 366A
- Sample I-44
- ENFORCE screen shots – Joe ALIEN
- GOBY: Currency
- GOBY: Controlled Substances
- GOBY: Firearms and/or Ammunition
- GOBY: Monetary Instruments

XI. REFERENCES

- Federal Law Enforcement Training Center Training Directorate, Enforcement Operations Division, Physical Evidence, September 2004.
- Federal Law Enforcement Training Center, Legal Division Handbook, 2009.
- U.S. Immigration and Customs Enforcement, Office of Investigations, Evidence Processing, 522.06, December 2008.
- "Procedures for Documenting Recovered Firearms, Ammunition and Contraband", DRO Taskings, March 17 2009.
- "Confiscation and Return of Original Documents", John P. Torres, Acting Director, Office of Detention and Removal, July 14 2006.
- "Confiscation and Return of Original Documents", John P. Torres, Acting Director, Office of Detention and Removal, August 25, 2006.
- USCS Special Agent Handbook, Evidence, Chapter 18, August 11, 1997.
- Federal Rules of Criminal Procedure, Rule 16. Discovery and Inspection, (a) Government's Disclosure, (1) Information Subject to Disclosure.
- Federal Rules of Criminal Procedure, Rule 41. Search and Seizure, (a) Scope and Definitions.
- Federal Rules of Evidence, Rule 901(a), Requirement of Authentication and Identification.
- Homeland Security Investigations, "Search and Seizure Handbook", HSI HB 10-05, August 18, 2010.
- Custom and Border Protection, "Seized Asset Management and Enforcement Procedures Handbook", HB 4400-01B, July 2011.
- ERO 11156.1, Enforcement Operations Property Protocols, 12/3/12
- Enforcement and Removal Operations, EABM I-44 PROCESSING GUIDE

OUTLINE OF INSTRUCTION

INTRODUCTION

Instructor Notes: RAPPORT AND OPENING STATEMENT

Instructor will welcome students and go over any administrative details (length of class and breaks). The lead instructor must introduce himself/herself and all co-instructors. Provide example(s) of his/her own personal experience with evidence in the field.

Students have already been instructed on criminal warrant execution. Three lessons (Execution, Evidence, and ICEEOPPLAN) are inter-related, and it is important to be familiar with all content in order to accurately present the material. Practice of EPOs #1 - #3 occurs in Phase 14 (Day #12). Practice of EPO #4 occurs in Phase 20, EPO #5 in Phase 19, EPO #6 in Phase 24 (Day #13).

I. **Motivation**

As a member of one of ERO's progressive enforcement teams, you are in the field daily. You are already finding evidence, contraband, fruits of crime, or other items illegally possessed, whether it is through plain view, consent or a criminal warrant. Knowing ahead of time what federal and/or local thresholds may exist for different types of evidence or contraband as well as your forfeiture capabilities will make a difference on how you respond to that discovery. Will you seize or detain that property, or will you just simply secure the scene and await another officer's response? Taking another person's property exposes you to a high level of risk (civil and criminal liability), therefore, it is extremely important that you know how to properly seize it. Understanding and applying the principles of search and seizure laws, policies, and procedures, and recognizing that these laws are intricate and continually evolving, will help you legally and correctly seize contraband, evidence and other forfeitable property found during the normal course of your duties. This lesson is designed to guide you in the proper DHS and ICE procedures for the collection, whether through abandonment or seizure, of property and evidence.

II. **Objectives**

A. Terminal Performance Objective(s)

Condition: Given a field situation in which a search warrant has been executed, and a search for physical evidence has been initiated,

Behavior: the ERO officer will secure and dispose of evidence,

Criterion: in accordance with the Federal Rules of Criminal Procedures, the Federal Rules of Evidence and ICE policy and procedures.

B. Enabling Performance Objectives

EPO #1: Recognize the type and likely manner in which evidence may be encountered by ERO.

EPO #2: Initiate and maintain a chain of custody on evidence.

EPO #3: Package, transport and store evidence.

EPO #4: Request laboratory examination of evidence.

EPO #5: Record evidence in (b)(7)(E)

EPO #6: Properly dispose of evidence.

III. Advance Organizer of Main Ideas

In dealing with alien property, there are set procedures that must be followed. Any item removed from the detainee's possession must be inventoried, and a receipt provided. A second officer witnesses by way of signature. The items are either placed in an envelope or, if too big, tagged, and then placed in a secure storage area. The information is also entered into the property receipt logbook. On occasion, an inventory and audit is conducted to ensure detainee funds and valuables are accounted for. When the property is returned to the detainee, the log and inventory sheets are updated to reflect this transaction. You will find that the procedures for evidence are very similar. This lesson will take what you already know about funds and personal property and expand it into the area of evidence and contraband.

IV. Review of Prerequisites

To proceed with the lesson and be able to recognize evidence that ERO will likely encounter, it is imperative that the student be clear on the exact definition of evidence, as well as types of evidence that may be presented in court. ERO officers will also need to understand the difference between seized property and evidence before proceeding with this lesson.

EVIDENCE:

(A thing or set of things that when put together help in forming a conclusion) Something that furnishes proof. Offered in court to prove or disprove a fact that is at issue in a trial, e.g., an element of the crime, a defense, or credibility of a witness.

Physical or Real Evidence:

A material object; something you can touch or see. [ex: drugs, identity documents, fingerprints] ICE classifies physical evidence into two categories:

Non-forfeitable –property seized for evidence only. It is not subject to forfeiture provisions. If possible, return to the rightful owner. [ex: Identity documents, business records, or other property]

Forfeitable – property seized for evidence and is subject to forfeiture under some statutory provisions. [ex: money, conveyances, jewelry]

Testimonial Evidence:

A statement made by a witness in court under oath. [ex: victim's account of being attacked in a case involving a charge of aggravated assault]

Documentary Evidence:

Written documentation that establishes the truth of some matter. [ex: FDL report]

ERO officers will be responsible for all of these types of evidence; however, this course will focus on physical evidence, as this is the type of evidence typically “seized”.

Basic Definitions:

Seizure: An object is seized when the government meaningfully interferes with an individual's possessory right or interest. Per ERO 11156.1, seizure is taking physical possession and/or control of property. .

Detention: The withholding release of property pending a decision to seize.

Purpose of Forfeiture: To take property wrongfully used or acquired; to deny criminals the instruments or profits of their criminal activity; or, to exact a penalty against a property used or acquired in connection with prohibited activity.

Non-Forfeitable Evidence: Examples would be valid/lawfully possessed foreign/domestic government IDs. Prior to removal/release, either return to alien or issuing agency, destroy or retain. See ICE policy [Memo of AD John P. Torres, Office of Detention and Removal, dated 8/25/06: “Confiscation and Return of Original Documents”] which provides guidelines on making the disposal determination.

Seized Property (forfeitable): There is a statutory provision for the forfeiture (18 USC 981/982 provides general statutory guidance).

Contraband: Merchandise (goods, chattels, and wares of every description) that is unlawful to import, export, or possess.

Abandoned Property (DHS Form 4607 – Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise): Complete in

the case of abandoned or forfeited property (administrative or criminal). A person cannot abandon something if s/he does not admit to ownership.

(b)(7)(E) The CBP automated system that is integrated with (b)(7)(E) and used by ICE to track all seized property, and arrests.

Search, Arrest, and Seizure (SAS)/Incident Report: Records statistical and enforcement information relating to searches, arrests, and seizures made by ICE officers. Further instruction on this report has been provided during the (b)(7)(E) lesson.

V. Agenda

- First, types of evidence common to ERO will be discussed as well as how such evidence may be encountered.
- The concept of “chain of custody” will then be discussed while an example of a completed DHS Form 6051S is reviewed.
- Evidence packaging will be discussed and displayed.
- The role of the evidence custodian will be discussed as well as the rules about transporting high risk property/evidence and the importance of securing/storing evidence.
- The difference between the ICE FDL and other local, state or federal labs will be explained.
- An example FDL request and resulting reports will be reviewed.
- Provide an overview of the December 2012 policy re: I-44 and property in EABM
- On TD 9, students will practice seizing evidence in the classroom.
- During CCS Phase 14, the students will practice seizing evidence to include completing the DHS Form 6051S (chain of custody), packaging, transporting and storing the evidence.
- During Phase 19, the students will complete the I-44 in (b)(7)(E) (EABM).
- During CCS Phase 20, the students will practice completing the FDL request form.
- On day 12, the instructor will discuss evidence disposal.
- During CCS Phase 24, the students will practice disposal of their evidence seized during CCS Phase 14.
- Final Test of activity to be given on Day 14/15.

INSTRUCTION

Instructor Notes: Students have already been provided and reviewed all the contents of their evidence kit. The kits as well as tags, bags, boxes and labels should be brought from storage (BLDG 61, 2nd floor) into the MCR. A power point has been created for the lecture portion of this course.

I. Explanation

A. EPO #1 – Recognize what kind and how evidence will likely be encountered by ERO officers.

1. Evidence likely to be encountered by ERO
 - a. Government issued identity documents
 - i. State ID or DL
 - ii. Social Security Card
 - iii. Birth Certificate
 - b. Foreign identity documents
 - i. Birth Certificates
 - ii. Passports
 - iii. Cedula (National Identify Document?)
 - c. Contraband
 - i. Drugs
 - ii. Guns
 - iii. Document making equipment/material

Instructor Notes: ERO does not have Title 21 authority. If drug evidence is encountered, TL should be alerted and the scene secured. Best practice includes knowing if and what federal or local thresholds exist in the AOR. ERO also does not have forfeiture capabilities on firearms. Per policy, ERO should seek assistance from ATF, DEA or OLEA (state/local). If they are unable to respond, ERO will need to pursue judicial forfeiture of the firearm. Per the September 2009 OPLA memo, "Disposition of seized firearms that have not been abandoned or forfeited", those firearms should be disposed of in accordance with GSA regulations governing disposal of abandoned property. Best practice includes knowing if any state database exists for conducting records checks in addition to contacting SECTOR.

- d. MISC
 - i. Cash/money
 - ii. Work ID
 - iii. Pay stubs

Instructor Notes: These are just some examples of common types of evidence. DEMONSTRATION: Review "mock" evidence from the above list. A copy of the evidence has been provided in the student course material.

2. How evidence will be encountered
 - a. Search Warrant

- b. Arrest (Criminal and/or Administrative)
 - i. SIA
 - ii. Inventory
- c. Consent Search
- d. MISC
 - i. Plain View
 - ii. Trash Run
 - iii. Subpoena
 - 1. Grand Jury
 - 2. Administrative

Instructor Notes: Per ERO 11156.1 (Property Protocols) and OPLA memo re: disposition of seized firearms, evidence, contraband or other forfeitable property confiscated, seized or acquired by abandonment through SW, consent, GJ or admin subpoena, surveillance and trash runs MUST be documented on 6051(S or D) as well as on the I-44 in ENFORCE.

B. EPO #2 - Initiate and maintain a chain of custody on evidence.

- 1. Initiate the Chain of Custody
 - a. Rule 901(a) of the Federal Rules of Evidence (FRE) – Requirement of authentication and identification
 - i. Before evidence can be admitted in court, there has to be a sufficient showing that it is what it is claimed to be
 - ii. The FRE does NOT say how evidence should be collected or maintained
 - iii. Because the FRE provides little guidance, the following are important:
 - 1. Chain of custody begins when the item is found
 - 2. Any further handling of and alterations to evidence should be documented
 - 3. Unmarked, mismarked or incomplete tags, bags or boxes can lead to a challenge
 - 4. Not recording transfers of evidence on chain of custody can lead to a legal challenge

Instructor Notes: Remind students what was learned in EXECUTION, i.e., since the chain of custody begins when the item is found, AND anyone who further handles must be listed on the chain, it is recommended that the person assigned as Evidence Custodian/Collector (EV) on scene should be the one called in by the locating officer to actually SEIZE the evidence. If the locating officer is the one who seizes the item and then calls the EV in for packaging, both will have to be listed on the corresponding 6051S.

- b. DHS Form 6051S – Custody Receipt for Seized Property and Evidence (6051)
 - i. Documents the details (where, when and by whom)
 - ii. Documents where and who handled it from time of discovery until offered in court or no longer needed

- iii. Dual/forfeitable and single/non-forfeitable status evidence can NOT be listed on same 6051
- iv. Each 6051 has a unique serial number and multiple carbon copies

Instructor Notes: There are no set rules on how to package/list the items EXCEPT not to mix forfeitable and non-forfeitable on same 6051. Many theories can be applied. For example, one may choose to list an item on a separate 6051S and place in a separate evidence bag based on the location it was found (bedroom v. kitchen). Another may choose to list only those items of similar kind on the same 6051S and place in same evidence bag (identity documents vs. business documents). A third option would be to complete 6051S/bags based on how the evidence is going to be disposed (return to owner, another entity, or destroy). Whether on one 6051S or multiple, never repeat the same line item #. For example, if line item 1 and 2 are listed on the first 6051S, then the 2nd 6051S should start with line item number 3. Another factor that will come into play is the amount of items being seized and the number of locations, e.g., the car vs. somewhere in the house.

2. Maintain the chain of custody

- a. Original 6051 stays with the evidence and copies are placed in file folder
- b. Complete the chain of custody box on the original 6051S as evidence is transferred from one person/agency to another
 - i. Make a new copy of the original 6051S
 - ii. File in prosecution case file folder
- c. DHS Form 6051A – continuation sheet for additional blocks
- d. Lay the foundation
 - i. At least one individual must be able to testify as to the source, validity and chain of custody of evidence
 - ii. Limit the number of individuals who come in contact with evidence and become part of the “chain”

Instructor Notes: DEMONSTRATION: Review the “mock” DHS 6051S form to demonstrate documenting seizure of property and evidence. The 6051 form matches evidence discussed during EPO #1. Copies of the 6051 have been provided in the student course material. Point to the chain of custody section of the form and discuss how it is used to document all the individuals/agencies who took custody of the evidence. Further instruction and demonstration will occur during EPO # 4 - FDL lab.

C. EPO #3 - Package, transport and store evidence.

1. Package evidence

- a. Document what the evidence is, who seized it, witnessing officer, and seizure date and location
- b. Type of evidence dictates how it is packaged/labeled:
 - i. DHS Form 366 and 366A (Tags/Labels)
 - 1. Placed directly on or tied to computers or document vending equipment
 - 2. Place on non-ICE evidence boxes or bags
 - ii. BAGS: ex, IDs, paperwork and money

1. Once evidence bag is sealed, tear off the top (perforated) strip of the bag
2. Staple strip copy 6051S
3. File copy of 6051 in prosecution case file folder
- iii. BOXES: ex, bulky records and guns
- c. Pre-printed fields on evidence packages correspond with the DHS Form 6051S and the SAS Incident Report
 - i. SAS Report number and (b)(7)(E) generated seizure numbers are recorded on the evidence label and 6051
 - ii. The unique 6051 serial number is entered on the evidence label and in (b)(7)(E) (SAS Report)
 - iii. Line item numbers on the 6051 must be identical to the SAS report
 - iv. Seized items of a similar nature (Ex: 2 Puerto Rican birth certificates) may be entered on the SAS Report and 6051 as a SINGLE line item

Instructor Notes: DEMONSTRATION: Review “mock” evidence bag that corresponds with the above “mock” 6051 forms (EPO #2) and evidence (EPO #1). Discuss how the fields on these items mirror those of the 6051. Discuss fields for (b)(7)(E) generated numbers. A copy of the evidence bag containing evidence has been provided in the student course material.

Because the completion of the 6051 generally occurs at the same time as the completion of the evidence bag, remind students of teaching points in EPO #2, specifically how to decide how many 6051 forms and bags to use.

2. Transport evidence
 - a. High Risk property/evidence
 - i. Firearms/Ammunition
 1. Render safe/inoperable
 2. ATF, NCIC (b)(7)(E) checks
 3. Separate ammo from firearm
 4. Follow ERO Tasking March 2009/ERO 11156.1 Property Protocols
 - a. HSI or seek assistance from OLEA
 - b. Complete I-44 in (b)(7)(E)
 5. If ERO must seize/detain
 - a. Complete 6051S/D on scene and I-44 in (b)(7)(E)
 - b. Ensure SFI records in FACTS
 - c. Send to NFFTU with proof of:
 - i. Judicial Forfeiture (criminal prosecution);
 - ii. Abandonment – DHS-4607; or,
 - iii. Documentation showing we cannot return firearm because that would place owner/possessor in violation of 18 USC 922(g)(5)

- ii. Currency
 - 1. Bulk photograph
 - 2. DHS Form 4605 – Currency/Monetary Instrument Seizure Inventory
 - 3. Seal bag
- iii. Controlled Substances
 - 1. Bulk photograph and weigh
 - 2. Always call HSI or DEA
- iv. Special transport rules
 - 1. At least 2 armed officers
 - 2. Cell phone, radio and body armor
 - 3. Notify SECTOR
 - 4. Must either TOT or transport to Seized Property Specialist (SPS) within 3 calendar days

Instructor Notes: Briefly review high risk property/evidence and mention the more stringent transportation rules. DEMONSTRATION: “Mock” DIIS Form 4605 has been provided in the student materials, and corresponds with the demonstration documents used during Execution of Criminal Warrants lesson.

3. Store evidence

The FOD is responsible for the physical security of property seized, detained or otherwise held by ERO.

- a. Secure vault or special room with limited access
 - i. Not all ERO offices are properly equipped with an evidence room
 - ii. MUST FIRST:
 - 1. Attempt TOT ICE HSI or OA
 - 2. If unable, ERO may store in accordance with current CBP/ICE policies

EX: SFI stores in ERO firearms vault/safe
- b. Assign Evidence Custodians (full or part time)
 - i. Assures evidence is properly packaged / labeled
 - 1. sealed with evidence tape
 - 2. initialed and dated along sealing tape
 - 3. completed evidence label on each package
 - 4. original and copy of 6051 is with evidence and in case folder
 - ii. Controls access to the evidence room/vault and/or evidence
 - 1. accompanies the case/seizing agent inside the evidence room/vault
 - 2. maintains logbook of all those personnel granted access (CF 6025)
 - iii. Maintains integrity and accountability for all seized evidence
 - 1. annual inventory

2. monthly review of seizures and storage facility access

Instructor Notes: Specific rules regarding storage of evidence will not be covered in this class and are established by the Security Management Branch (SMB). Explain to students that the key is to understand evidence needs to be stored in a limited access room, and that someone should be assigned to control access to the room as well as the evidence. This is all important to maintaining the chain of custody.

DEMONSTRATION: Review "mock" log book with the entries that corresponds with the above "mock" 6051 forms (EPO #2) and evidence (EPO #1). As EPO #4 and #5 are explained, the log book will continue to be used for demonstration purposes of proper entries for evidence entering and leaving the evidence vault. A copy of the logbook entries has been provided in the student course materials.

As discussed in EXECUTION OF CRIMINAL WARRANTS, SW photos are to be downloaded onto a CD which will then be placed in an evidence bag. The bag as well as a 6051S will be completed and the CD stored in much the same manner as seized evidence.

D. EPO #4 – Request laboratory examination of evidence.

1. ICE FDL

Accredited federal crime laboratory dedicated to detecting and deterring travel and identity document fraud.

a. Forensic Section:

- i. Fingerprint examination
- ii. Handwriting analysis and comparisons
- iii. Document examination
- iv. Expert Witness testimony

b. ICE Form 73-003

- i. Lab examination request form
- ii. Includes directions for submitting evidence in criminal cases, to include the requirement of a "chain of custody" (COC) form

Instructor Notes: DEMONSTRATION: Review "mock" ICE 73-003 and resulting FDL report, which corresponds with the above evidence (EPO #1), 6051 (EPO # 2) and package (EPO # 3). Demo COC by showing how FDL will complete upon receipt and how officer will complete upon receiving evidence and report back from the FDL. A copy of the FDL request and report have been provided in the student course materials along with the 6051S showing additional chain of custody signatures.

2. Outside Lab

a. Federal vs. State/Local

- i. Ex: State and local police lab, DEA lab, Secret Service forensic experts
- ii. May be closer, faster, or better equipped than the FDL

b. Letter (Form) of transmittal

- i. Medium by which lab analysis/examination is requested
- ii. Include the following:
 1. name, agency, contact information

2. type of examination being requested
3. where evidence and report are to be returned
4. urgency of request
- iii. Check with the other agency or lab first to see if they have their own laboratory request form as well as their own chain of custody form

Instructor Notes: BLOCK 1 BREAK POINT - summarize this block of instruction and ensure the following was covered:

- The objective for that block of instruction was met
- Summarize the information
- Remediate by reviewing in greater detail or giving the student additional practice
- Preview of what is to come in the next block on instruction (sets expectations for future learning)

Instructor Notes: BLOCK 2 START POINT: Training day 12

Bring the students back into the lesson by doing the following:

- Re-motivate the students by asking "Why is EVIDENCE essential to their jobs?"
- Reorientation to EVIDENCE via Advanced Organizer (AO)
- Tell the students what to expect in this block of instruction and how it builds on the previous block.
- Briefly review previous lesson's key topics
- Ask if anyone has any questions about the previous lesson

TO AID WITH MOTIVATOR, REORIENTATION VIA AO and TODAY'S AGENDA:

Begin by reviewing what students already know, i.e., how to seize, establish COC, transport and store evidence or contraband. This is similar to the ERO officer's rules on dealing with alien property in that items are inventoried, receipts are provided, forms require witnesses and entries are made in logbooks.

Orient the students to this EPO (ENFORCE entry) by using the above discussion. Expand on the ERO officer's role by discussing WHAT>>>> the fact that we will process alien in EABM so we also use that to document the property???

E. EPO #5 – Document evidence in (b)(7)(E)

a. EABM Property Tab

i. Accounts for all seized property and evidence

1. Conveyance
2. Controlled Substance
3. Document
4. Firearms/Ammo
5. Other/Real Estate
6. Currency

ii. Any time an ERO officer seizes or detains property with the intent of using it as evidence, turning it over to another agency, or simply because it is contraband, this item must be recorded in EABM

iii. Establish the relationship of the property to the (b)(7)(E) subject

iv. Enter miscellaneous identifying numbers

v. Document the seizing officer as well as who inventoried the item

b. I-44 drop-down

- i. What do I say? – **HOW ABOUT YOU LOOK AT THE TT LP (DFOTP)** and see what might work?
- ii. Will be printed if the item(s) is/are turned over to another agency, to include HSI

Instructor Notes: DEMONSTRATION: WHAT OTHER DEMO IS THERE? Are we putting an example I-44 in the PW- I think so.

Direct students to the Joe ALIEN (b)(7)(E) screen shots located at O:\ERO Lesson Plans\FOTP-P\Student Thumb Drive\Day 12\EVIDENCE. Have FOTs locate and open these screen shots while instructor displays on the main screen using EVIDENCE power point.

Practice of EPO #5 will occur on TD 13 during Phase 19 of the CCS. FOTs will enter I-44 in EABM. See CCS Guide for further instruction.

Instructor Notes: BLOCK 3 START POINT: Training day 13

Bring the students back into the lesson by doing the following:

- Remotivate the students to why EVIDENCE is essential to their jobs
- Reorientation to EVIDENCE via Advanced Organizer (AO)
- Tell the students what to expect in this block of instruction and how it builds on the previous block
- Briefly review previous lesson's key topics
- Ask if anyone has any questions about the previous lesson

TO AID WITH MOTIVATOR, REORIENTATION VIA AO and TODAY'S AGENDA:

Begin by reviewing what students already know, i.e., how to seize, establish COC, transport and store evidence or contraband. This is similar to the ERO officer's rules on dealing with alien property in that items are inventoried, receipts are provided, forms require witnesses and entries are made in logbooks.

Orient the students to this EPO (DISPOSITION) by using the above discussion. Expand on the ERO officer's role by discussing that rules involved with returning alien property are similar to that of evidence. Just as certain property will not be returned to the alien, certain evidence (forfeitable or of value or abandoned) will not be returned. When deciding how to properly dispose of seized property or evidence, you need to be aware of due process, asset forfeiture policy and law. Dealing with another person's property exposes you to a high level of risk (civil and criminal liability).

F. EPO #6 – Properly dispose of evidence.

Instructor Notes: Practice during CCS Phase 24, Day 13/14 and Evidence P.E. on Day 14/15.

1. Evidence must be retained until:
 - a. Trial
 - b. Appeals completed
 - c. Exceptions
 - i. Defendant becomes fugitive prior to adjudication of case
 - ii. Rule 41. (Court order to return property)
2. Case cannot be closed until evidence is disposed of

- a. Forfeitable property
 - i. Administrative Forfeiture
 - 1. < \$500,000
 - 2. Exceptions: Drug Conveyance and Monetary Instruments
 - ii. Judicial Forfeiture
 - 1. > \$500,000 (exceptions above)
 - 2. Real Property
 - 3. ERO
 - a. Fruits
 - b. Contraband
 - c. Instrumentalities (Facilitating items)
- b. Non-forfeitable property
 - i. Evidentiary only
 - ii. May be returned to owner
 - iii. NEVER RETURN fraudulent identity or travel documents
- c. Abandoned property
 - i. DHS Form 4607 – may require forfeiture order (if forfeitable type property)
 - ii. Cannot return to possessor
 - 1. Destroy
 - 2. Return to actual owner
 - 3. Return to issuing agency, e.g., social security card, birth certificate, foreign passport

Instructor Notes: DEMONSTRATION: Again, refer to the OPLA memo re: Disposition of seized firearms that have not been abandoned or forfeited. U.S. v. Felici: Any firearm possession by an alien illegally or unlawfully in the US is prohibited by law; thus, ERO cannot return the firearm to said alien. If no one with a right to legally possess the firearm has made a claim to such firearm, or the agency is unable to identify anyone with a legal right to possess the firearm, then the ownership vests in the Gov and the firearm can be disposed of in same manner as abandoned personal property.

- 3. RULES for destruction of evidence/abandoned property
 - a. Memo to File
 - i. Obtain AUSA approval
 - ii. Obtain supervisory approval
 - b. Methods:
 - i. Destroy (shred, cut, crush) in presence of witness (EV)
 - ii. Obtain signatures on Memo to File
 - iii. Place original in case file folder and give copy to EV

Instructor Notes: DEMONSTRATION: Review “mock” destruction memo, which corresponds with the “mock” 6051, evidence package/tag, and FDL request. Demonstrate how to obtain proper approval of the destruction of evidence and obtain appropriate signatures. Copies of these forms have been provided in student course materials.

II. Demonstration

- Review “mock” evidence (fraudulent documents in the name Salvador Rivera) (copy in participant workbook)
- Review completed DHS Form 6051S to correspond with “mock” evidence (copy in participant workbook)
- Review corresponding “mock” evidence bag (copy in participant workbook)
- Review “mock” evidence logbook showing entries relating to the “mock” evidence being placed in the evidence vault (copy in participant workbook)
- Review “mock” FDL request for analysis of the “mock” evidence. (Copy in the participant workbook)
- Review “mock” FDL report. (Copy in the participant workbook)
- Show how the FDL analyst and case agent will complete the “chain of custody” section of the “mock” 6051 whenever the evidence is sent for analysis
- Discuss WHAT IS THE I-44/ENFORCE DEMO – the EXAMPLE I-44 and the ENFORCE Screen Shots??
- Review Memo to File, which corresponds with the “Mock” evidence, 6051, etc.

See instructor notes for a further information on the demonstration portion of this lesson.

II. Student Practice

Instructor Notes: **TD 9 Pre-practice (0930)** – to be conducted in MCR immediately following ICEEOPLAN lecture but prior to Phase 9 (ICEEOPLAN lab). Take a short time to refresh on Evidence LP and allow students to practice evidence collection. **See Student Practice for further explanation.**

Provide case information: GN16BS##GN0001, Joe Alien, 123 Main St. Charleston, SC 29405
 Observe and ensure students: Post their area with the Room ID form; TL/ST completes top portion of the Room ID form; TL/ST member conducts search and, when item is located, calls for EV and PH; PH “photographs” (simulation) the item in place and completes the photo log to include listing the item photographed; EV collects the item, places it in the evidence bag and completes the 6051S and corresponding fields on the evidence bag; TL/ST member completes bottom portion of the Room ID form; and, EV and/or TL completes the 2nd page of a blank SW. CCS-C will collect and review the completed documents for accuracy and completeness.

TD 9 Pre-practice (0930):

While in MCR prior to Phase 9 (ICEEOPLAN) breakout, take a short time to refresh on Evidence LP and allow students to practice evidence collection as follows:

- Divide students into 8 groups of 3, and explain that each group will consist of an evidence custodian (EV), a photographer (PH) and a team leader (TL) who also acts as a search team (ST) member
- Provide each group with the first page of the photo log, the second page of a blank SW, a Room ID form, a 6051S and an evidence bag
- Provide case information:
 - GN16BS##GN0001
 - Joe Alien
 - 123 Main St. Charleston, SC 29405
- Direct groups to search for an item (ex: highlighter) located on their desks
- Observe and ensure students:
 - Post their area with the Room ID form
 - TL/ST member completes top portion of the Room ID form
 - TL/ST member conducts search and, when item is located, calls for EV and PH
 - PH "photographs" (simulation) the item in place and completes the photo log to include listing the item photographed
 - EV collects the item, places it in the evidence bag and completes the 6051S and corresponding fields on the evidence bag
 - TL/ST member completes bottom portion of the Room ID form
 - TL and/or EV completes the 2nd page of the SW
- Collect and review the completed documents for accuracy and completeness

Phase 14:

Refer to the FOTP-P CCS Guide for complete explanation.

Each FOT will execute a criminal SW and AW and search for specific listed evidence. FOT members assigned the role of ST and EV will be expected to complete the following tasks: ST will search and locate evidence; ST will advise the TL and EV of the discovery; EV will collect and package the evidence; EV will complete the DHS Form 6051S; and EV or TL will transport the evidence back to the office (main classroom) and secure in the locker. (EPO #1-3)

Phase 19:

Refer to the FOTP-P CCS Guide for complete explanation.

Each FOT will record property seized in (b)(7)(E) I-44 tab. (EPO #5)

Phase 20:

Refer to the FOTP-P CCS Guide for complete explanation.

Each FOT will prepare an FDL request for laboratory examination for at least one piece of seized evidence, to include completion of the chain of custody section on the 6051S. (EPO #4)

Phase 24:

Refer to the FOTP-P CCS Guide for complete explanation.

Each FOT will follow the required steps to dispose of evidence once their criminal case is closed. (EPO #5)

IV. Feedback and Remediation

During the FOTP-P CCS Phase 14, use the EXECUTION/EVIDENCE Laboratory Checklist (blend of both Execution of Warrants (EX) and Evidence (EV) lessons) to keep track of the FOTs completion of the following tasks:

- Knock – announce - demand entry (EX)
- Gain control and secure premises (EX)
- Announce to TL / rest of team that the premises is “safe” (EX)
- Pre-search walk-through and labeling (EX)
- Sketch (EX)
- 2-man STs find all evidence (EV)
- Rule 41(f)(1)(A) (date and time entered on warrant) (EX)
- Rule 41(f)(1)(B) (inventory prepared and witnessed) (EX)
- Rule 41(f)(1)(C) (copy of warrant and receipt provided) (EX)
- Photo Log (photos before, during, and after) (EX)
- Post-search walk-through and scene secured (EX)
- All SW documentation completed (Photo log, 6051s, room identification forms, etc) (EV and EX)
- All AW documentation completed (Miranda, scratch 213, USM312, etc) (EX)
- Evidence packaged/labeled (bags, tags, labels mirror 6051s) (EV)
- Transportation and Storage (evidence lockers) (EV)

During the post-execution briefing, TIs and CCS-Cs will review the checklist with their respective FOTs, and critique their performance. If any of the above tasks were not performed correctly, the instructor(s) will explain what they did wrong or missed. GOBY 6051S have been created and are available to use to compare to the FOT documents. The lab will provide enough time for retraining, which will consist of the instructor advising the FOT what they should have done differently in order to pass the task.

For Phases 19-20 and 24, INSTRUCTOR GOBYs have been created and are available to use to compare to the FOT completed documents. Critique and provide feedback as to whether **WHAT (properly entered property and printed I-**

44?), ICE Form 73-003 and evidence disposition memos have been properly and accurately completed.

CONCLUSION

I. Summary of Main Ideas

Your duties now include the execution of criminal arrest and search warrants. You are now being exposed to a high level of risk. It is imperative that you understand the importance of initiating and maintaining a chain of custody, as well as packaging, transporting and storing items. Proper disposition of seized and abandoned items can prevent allegations of impropriety.

II. Integration

Having already learned how to develop probable cause to obtain criminal search and arrest warrants, and having also been instructed on the actual execution of criminal warrants, you have now been provided instruction on evidence. You will practice executing the warrants and searching for evidence during the final phases of your FOTP-P CCS.

III. Objective(s)

Ask students if all of the objectives for the class were met. Ask the students to recall 2 or 3 key components of the course. Takeaways include:

- Recognizing evidence
- Initiating and maintaining a chain of custody
- Packaging, transporting, securing and storing evidence
- Requesting laboratory examination
- Disposing of evidence

IV. Motivation

As a member of an ERO field operation team, you will inevitably be involved in seizures of evidence, contraband and property. You are responsible for following ICE policy and procedures, and respecting the legal rights that are owed to all persons. Following the proper procedures on the collection of property and evidence will decrease your chances of being the target of any civil or criminal action, and increase the chance of having a successful case.

V. Test of Final Activity

See FOTP-P CCS Guide, Section VI. Assessment. FOTs will be provided with an Application for a SW, an actual SW, AW, Affidavit and other attachments. FOTs will also be provided with an FOW for target Oneil DAVIS. After completing the ICEEOPLAN and conducting the pre-operation briefing, FOTs will be expected to execute the SW at their assigned Raid Houses, to include searching for evidence as described in Attachment B, "Description of Items to be searched for and seized". Instructors will utilize GOBY 6051S' and Evidence Bags for review and the P.E. Assessment Checklist to score graded portions of this P.E.

**US Immigration and Customs Enforcement
OFFICE OF TRAINING AND DEVELOPMENT**

ICE Academy



ERO Physical Evidence

Lesson Plan

**Field Operations Training Program -
Prosecutions**

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Full File Name

[Approval Date] MON YEAR



Control Page

Developed By:

(b)(6),(b)(7)(C) CDI/DO, ERO Academy - Advanced

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March 2011

Signature

Signature

Content Approved By:

Name, Title, Unit

Name, Title, Unit

MON YEAR

Comment [wendymc1]: Enter the name of the supervisor and/or unit chief acknowledging responsibility for the accuracy of the content of the lesson plan.

Signature

Signature

Instructional Design Approved By:

Name, Title, Unit

Name, Title, Unit

MON YEAR

Comment [wendymc2]: Record the name(s) of the instructional designer(s) who review the lesson for its instructional soundness. This is typically the Lead Designer.

Signature

Signature



Record of Changes

Date of Change	A=Add. M=Mod. D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief, or IMU Representative)
11/1/2011	Modify	Clarification on Forfeiture and Evidence Disposal	Confer with ICE OPLA (b)(6) Glynco, GA	1T
4/1/2012	Modify	Clarification of Abandonment Form	Confer with HSI Asset Forfeiture	1T
4/1/2012	Delete	Delete use of Destruction Form	Confer with HSI Asset Forfeiture	1T
6/1/2012	Add	Federal and Local Thresholds should be considered and know state firearms databases. ERO has not TITLE 21 authority.	HSI teaches "threshold" concept to their agents as well as ERO basic academy.	1T
10/1/2012	Add	Add Pre-Practice as well as minor tech edits	Students will now practice evidence collection in MCR prior to lab.	1T
1/1/2013	Add	Reference to ERO 11156.1 Enforcement Operations Property Protocols and update pre-req, EPO 2 and EPO 3	ERO policy and procedure has been established for seized, abandoned and forfeited items.	1T
5/1/2013	Add	Add EPO to include lecture, demo, practice and test modifications	12/2012 Enforcement Operations Property Protocols and EABM I-44 Processing Guide are now taught, practiced and tested.	1T



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Comment [wendymc3]: These Table of Contents will need to be manually generated by the author.

Authors should add in the correct page numbers.

Also pay attention to the EPOs. You will need to add the text of each EPO and provide the page number.



LESSON DESCRIPTION

I. Lesson Title

ERO Physical Evidence

II. Program/Course Title

Field Operations Training Program - Prosecution

III. Description

This course is designed to enable ERO officers to recognize physical or real evidence as well as situations in which an officer may legally seize or detain evidence and/or property, to include abandoned property. Through lecture, demonstration and practice in a case scenario, the students will be able to initiate and record the chain of custody for seized evidence and property, and properly package, transport, secure and dispose of that evidence.

NOTE: The student practice and assessment are described in the FOTP-P CCS Guide, specifically phases 14, 19-20 and 24, and the Day 14/15 Final Practical Exercise (P.E.).

IV. Terminal Performance Objective (TPO)

Conditions: Given a field situation in which a search warrant has been executed, and a search for physical evidence has been initiated,
Behavior: the ERO officer will secure and dispose of evidence;
Criterion: in accordance with the Federal Rules of Criminal Procedures, the Federal Rules of Evidence and ICE policy and procedures.

V. Enabling Performance Objectives (EPOs)

- EPO # 1:** Recognize the type and likely manner in which evidence may be encountered.
- EPO # 2:** Initiate and maintain a chain of custody on evidence.
- EPO # 3:** Package, transport and store evidence.
- EPO # 4:** Request laboratory examination of evidence.
- EPO # 5:** Record evidence in (b)(7)(E)
- EPO # 6:** Properly dispose of evidence.



VI. Length of Lesson

EXPLANATION	DEMONSTRATION	PRACTICE	ASSESSMENT	TOTAL
3 hours	1 hours	3 hours	2 Hours	9 Hours



LESSON ADMINISTRATION

I. Lesson Title

ERO Physical Evidence

II. Risk Management

Only government vehicles or government rental vehicles will be used. Any accidents or injuries will be reported to the Section Chief or Unit Chief. Risk Assessment Sheets will be completed for the lab and P.E.

III. Facility Requirements

Main classroom with computers equipped with (b)(7)(E) training system (up to 24 students with instructor station with presentation equipment)
2 Break-out rooms with computers equipped with (b)(7)(E) training system (for up to 8 students and 1 instructor)
Raid Houses and Role Players (see FOTP-P CCS)

IV. Transportation Requirements

Students will use government vehicles during the FOTP-P CCS to arrive at and depart from raid house locations in which criminal warrants will be executed.

V. Required Staff

One instructor is required for lecture and demonstration portions of this course. If possible, a secondary instructor, who is a subject matter expert in Federal Rules of Evidence, should assist the primary instructor. All three CCS Coordinators (CCS-Cs) are required for the practice described in CCS Phases 13, 14, 19 and 20 as well as the P.E. Six NFTTU certified tactics instructors (TIs) are also required for the CCS Phase 13/14 and the P.E.

Instructor Preparation: For lecture portion of this class, instructor(s) must be familiar with the Execution of Criminal Warrants LP as well as the ICEEOPLAN LP as all three are inter-related. For the LABS and P.E., CCS-Cs and TIs must be familiar with the FOTP-P CCS Guide (Phase 12-14, 19-20 and 24 and Day 14/15 Final P.E.).

VI. Academy-Provided Training Aids and Equipment

- Classroom with instructor station and 24 student computers equipped with ENFORCE training database
- Projector and projector screen
- Instructor Guide – ERO Physical Evidence



- Instructor Guide – FOTP-P CCS Guide
- Power Point Presentation
- Individually issued secure thumb drive containing reference material
- Government Vehicles
- Role Players
- Raid Houses
- Red Guns
- Evidence Kit to include associated forms
- Mock Evidence
- Radios

VII. Student-Provided Equipment

Duty gear for enforcement operations, including but not limited to:

- Flashlight
- Body armor carrier
- Handcuffs/keys
- Magazine pouch

VIII. Student Handouts and Materials

To be provided in participant workbook:

- Example DHS Form 6051S
- Example Seized Property/Evidence Logbook
- Example evidence
- Example I-44
- Example ICE Form 73-003
- Example Forensic Document Lab Report
- Example Destruction of Evidence Memo

To be contained in Evidence Kit:

- DHS Forms 6051S, D and A
- Evidence Bags, tags (DHS Form 366) and boxes
- Evidence tape
- Gloves/Masks
- ICE Form 73-025 – Miranda
- ICE Form 73-005 – Consent to Search
- ICE Form 73-027 – ICE Booking Sheet
- DHS Form 4607 – Notice of Abandonment
- G-56
- Photo Log
- Room Identification forms
- Blank I-213
- USM-312
- Sketch paper/notepads/pens/pencils
- Digital camera/batteries



IX. Attachments

To be attached to the student thumb drive:

- Blank DHS Form 4605 – Currency/Monetary Seizure Inventory
- Blank DHS Form 4607 – Notice of Abandonment
- Sample CF6025 – Seized Property/Evidence Logbook
- Sample DHS Form 6051A – Custody Receipt for Detained or Seized Property (Continuation Sheet)
- Sample DHS Form 6051S – Custody Receipt for Seized Property and Evidence
- Sample DHS Form 366 and DHS Form 366A
- Sample I-44
- ENFORCE screen shots – Joe ALIEN

X. References

- Federal Law Enforcement Training Center Training Directorate, Enforcement Operations Division, Physical Evidence, September 2004.
- Federal Law Enforcement Training Center, Legal Division Handbook, 2009.
- U.S. Immigration and Customs Enforcement, Office of Investigations, Evidence Processing, 522.06, December 2008.
- "Procedures for Documenting Recovered Firearms, Ammunition and Contraband", DRO Taskings, March 17 2009.
- "Confiscation and Return of Original Documents", John P. Torres, Acting Director, Office of Detention and Removal, July 14 2006.
- "Confiscation and Return of Original Documents", John P. Torres, Acting Director, Office of Detention and Removal, August 25, 2006.
- USCS Special Agent Handbook, Evidence, Chapter 18, August 11, 1997.
- Federal Rules of Criminal Procedure, Rule 16. Discovery and Inspection, (a) Government's Disclosure, (1) Information Subject to Disclosure.
- Federal Rules of Criminal Procedure, Rule 41. Search and Seizure, (a) Scope and Definitions.
- Federal Rules of Evidence, Rule 901(a), Requirement of Authentication and Identification.
- Homeland Security Investigations, "Search and Seizure Handbook", HSI HB 10-05, August 18, 2010.
- Custom and Border Protection, "Seized Asset Management and Enforcement Procedures Handbook", HB 4400-01B, July 2011.
- ERO 11156.1, Enforcement Operations Property Protocols, 12/3/12
- Enforcement and Removal Operations, EABM I-44 PROCESSING GUIDE



Lesson Plan

ERO Physical Evidence

INTRODUCTION

Instructor Note: RAPPORT and OPENING STATEMENT

The lead instructor must introduce him/herself and all co-instructors, and may provide example(s) of his/her own personal experience with evidence in the field.

Students have already been instructed on criminal warrant execution. This is the 2nd of three lessons (Execution, Evidence and ICEEOPPLAN) that are inter-related. It is imperative the instructor be familiar with the content of all three LPs in order to accurately present the material.

There are many types of evidence ERO officers will handle; however, this lesson focuses on physical evidence, as this is the type typically "seized".

Practice of EPOs #1-#3 occurs in Phase 14 (Day #12). Practice of EPO #4 occurs in Phase 20, EPO #5 in Phase 19 and EPO #6 in Phase 24 (Day #13).

I. Motivation

As a member of one of ERO's progressive enforcement teams, you are in the field daily. You are already finding evidence, contraband, fruits of crime, or other items illegally possessed, whether it is through plain view, consent or a criminal warrant. Knowing ahead of time what federal and/or local thresholds may exist for different types of evidence or contraband as well as your forfeiture capabilities will make a difference on how you respond to that discovery. Will you seize or detain that property, or will you just simply secure the scene and await another officer's response? Taking another person's property exposes you to a high level of risk (civil and criminal liability); therefore, it is extremely important that you know how to properly seize it. Understanding and applying the principles of search and seizure laws, policies, and procedures, and recognizing that these laws are intricate and continually evolving, will help you legally and correctly seize contraband, evidence and other forfeitable property found during the normal course of your duties. This lesson is designed to guide you in the proper DHS and ICE procedures for the collection, whether through abandonment or seizure, of property and evidence.

II. Objectives

A. Terminal Performance Objective (TPO)

Conditions: Given a field situation in which a search warrant has been executed, and a search for physical evidence has been initiated,



Behavior: the ERO officer will secure and dispose of evidence;
Criterion: in accordance with the Federal Rules of Criminal Procedures, the Federal Rules of Evidence and ICE policy and procedures. .

B. Enabling Performance Objectives (EPOs)

- EPO # 1:** Recognize the type and likely manner in which evidence may be encountered.
EPO # 2: Initiate and maintain a chain of custody on evidence.
EPO # 3: Package, transport and store evidence.
EPO # 4: Request laboratory examination of evidence.
EPO # 5: Record evidence in (b)(7)(E)
EPO # 6: Properly dispose of evidence.

III. Review of the Past

To proceed with the lesson, it is imperative that students are clear on the types of evidence that may be presented in court. ERO officers will also need to understand the difference between seized and detained property.

Evidence: Something that furnishes proof. Offered in court to prove or disprove a fact that is at issue in a trial, e.g., an element of the crime, a defense, or credibility of a witness.

Physical or Real Evidence:

A material object; something you can touch or see. [ex: drugs, IDs]

Physical evidence is classified into two categories:

Non-forfeitable –property seized for evidence only. It is not subject to forfeiture provisions. If possible, return to the rightful owner. [ex: IDs and business records]

Forfeitable – property seized for evidence and is subject to forfeiture under some statutory provisions. [ex: money, conveyances, jewelry]

Testimonial Evidence:

A statement made by a witness in court under oath.

Documentary Evidence:

Written documentation that establishes the truth of some matter.

Seizure: An object is seized when the government meaningfully interferes with an individual's possessory right or interest. Per ERO 11156.1, seizure is taking physical possession and/or control of property.

Detention: The withholding release of property pending a decision to seize.

Purpose of Forfeiture: To take property wrongfully used or acquired; to deny criminals the instruments or profits of their criminal activity; or, to exact a penalty against a property used or acquired in connection with prohibited activity.



Non-Forfeitable Evidence: Prior to removal/release, either return to alien or issuing agency, destroy or retain. [Memo of AD (b)(6),(b)(7)(C) Office of Detention and Removal, dated 8/25/06: "Confiscation and Return of Original Documents"] Ex: valid/lawfully possessed foreign/domestic government IDs.

Forfeitable Property: There is a statutory provision for the forfeiture (18 USC 981/982 provides general statutory guidance).

Contraband: Merchandise (goods, chattels, and wares of every description) that is unlawful to import, export, or possess.

Abandoned Property (DHS Form 4607 – Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise): Complete in the case of abandoned or forfeited property (administrative or criminal). A person cannot abandon something if s/he does not admit to ownership.

IV. Advance Organizer of Main Ideas

In dealing with alien property, there are set procedures that must be followed. Any item removed from the detainee's possession must be inventoried, and a receipt provided. A second officer witnesses by way of signature. The items are either placed in an envelope or, if too big, tagged, and then placed in a secure storage area. The information is also entered into the property receipt logbook. On occasion, an inventory and audit is conducted to ensure detainee funds and valuables are accounted for. When the property is returned to the detainee, the log and inventory sheets are updated to reflect this transaction. You will find that the procedures for evidence are very similar. This lesson will take what you already know about funds and personal property and expand it into the area of evidence and contraband.



V. Agenda

- First, discuss types of and how evidence common to ERO may be encountered.
- The concept of “chain of custody” will then be discussed while an example of a completed DHS Form 6051S is reviewed.
- Evidence packaging will be discussed and displayed.
- The role of the evidence custodian will be discussed as well as rules about transporting and storing evidence.
- The difference between the ICE FDL and other local, state or federal labs will be explained.
- An example FDL request and resulting reports will be reviewed.
- The December 2012 policy re: I-44 and property in EABM will be reviewed.
- On TD 9, students will practice seizing evidence in the classroom.
- During CCS Phase 14, the students will further practice seizing evidence in a “scenario” environment.
- During Phase 19, students will practice completing the I-44 in (b)(7)(E) (EABM).
- During CCS Phase 20, students will practice completing the FDL request form.
- On TD 12, the instructor will discuss evidence disposal.
- During CCS Phase 24, students will practice disposal of their evidence seized during CCS Phase 14.
- Final Test of activity to be given on Day 14/15.



INSTRUCTION

I. Explanation

A. EPO #1: Recognize the type and likely manner in which evidence may be encountered by ERO.

1. Evidence likely to be encountered by ERO
 - a. Government issued identity documents (IDs)
 - 1) State ID or DL
 - 2) Social Security Card
 - 3) Birth Certificate
 - b. Foreign identity documents
 - 1) Birth Certificate
 - 2) Passport
 - 3) National Identity Document
 - c. Contraband
 - 1) Drugs
 - 2) Document-making equipment
 - 3) Fraudulent IDs

Instructor Note: ERO does not have Title 21 authority. If drug evidence is encountered, TL should be alerted and the scene secured. Best practice includes knowing if and what federal or local thresholds exist in the AOR. ERO also does not have forfeiture capabilities on firearms.

- d. MICS
 - 1) Cash/money
 - 2) Work ID/Pay stubs
 - 3) Guns

Instructor Note: ERO does not have forfeiture capabilities on firearms. Per policy, ERO should seek assistance from ATF, DEA or OLEA (state/local). If they are unable to respond, ERO will need to pursue judicial forfeiture of the firearm. Per the September 2009 OPLA memo, "Disposition of seized firearms that have not been abandoned or forfeited", those firearms should be disposed of in accordance with GSA regulations governing disposal of abandoned property. Best practice includes knowing if any state database exists for conducting records checks in addition to contacting SECTOR.

DEMONSTRATION: Review "mock" evidence from the above list. A copy of the evidence has been provided in the student course material.

2. Manner in which ERO will encounter evidence

- a. Search Warrant



- b. Arrest (Criminal and/or Administrative)
 - 1) SIA
 - 2) Inventory
- c. Consent Search
- d. MISC
 - 1) Plain View
 - 2) Trash Run
 - 3) Subpoena
 - a) Grand Jury
 - b) Administrative

Instructor Note: Per ERO 11156.1 (Property Protocols) and OPLA memo re: disposition of seized firearms, evidence, contraband or other forfeitable property confiscated, seized or acquired by abandonment through SW, consent, GJ or admin subpoena, surveillance and trash runs MUST be documented on 6051(S or D) as well as on the I-44 in (b)(7)(E)

B. EPO #2: Initiate and maintain a chain of custody on evidence.

- 1. Initiate the Chain of Custody
 - a. Rule 901(a) of the Federal Rules of Evidence (FRE) - Requirement of authentication and identification
 - 1) Before evidence can be admitted in court, there has to be a sufficient showing that it is what it is claimed to be
 - 2) The FRE provides little guidance, the following are important
 - a) Chain of custody begins when the item is found
 - b) Any further handling of/alterations to evidence should be documented
 - c) Unmarked, mismarked or incomplete tags, bags or boxes can lead to a legal challenge
 - d) Not recording transfers of evidence on chain of custody can lead to a legal challenge

Instructor Note: Remind students what was learned in EXECUTION, i.e., since the chain of custody begins when the item is found, AND anyone who further handles must be listed on the chain, it is recommended that the person assigned as EV on scene should be the one called in by the locating officer to actually SEIZE the evidence. If the locating officer is the one who seizes the item and then calls the EV in for packaging, both will have to be listed on the corresponding 6051S.



- b. DHS Form 6051S – Custody Receipt for Seized Property and Evidence (6051)
 - 1) Documents the details (where, when and by whom)
 - 2) Documents where and who handled it from time of discovery until offered in court and no longer needed
 - 3) Dual/forfeitable and single/non-forfeitable status evidence can NOT be listed on same 6051
 - 4) Each 6051 has a unique serial number and multiple carbon copies

Instructor Note: There are no set rules on how to package/list the items EXCEPT not to mix forfeitable and non-forfeitable on same 6051. Many theories can be applied. For example, one may choose to list an item on a separate 6051S and place in a separate evidence bag based on the location it was found (bedroom v. kitchen). Another may choose to list only those items of similar kind on the same 6051S and place in same evidence bag (identity documents vs. business documents). A third option would be to complete 6051S/bags based on how the evidence is going to be disposed (return to owner, another entity, or destroy). Whether on one 6051S or multiple, never repeat the same line item #. For example, if line item 1 and 2 are listed on the first 6051S, then the 2nd 6051S should start with line item number 3. Another factor that will come into play is the amount of items being seized and the number of locations, e.g., the car vs. somewhere in the house.

2. Maintain the chain of custody

- a. Original 6051 stays with evidence and copies are placed in file folder
- b. Complete the chain of custody box on the original 6051S as evidence is transferred from one person/agency to another
 - 1) SIA
 - 2) Inventory
- c. Consent Search
- d. MISC
 - 1) Plain View
 - 2) Trash Run
 - 3) Subpoena
 - a) Grand Jury
 - b) Administrative

Instructor Note: Per ERO 11156.1 (Property Protocols) and OPLA memo re: disposition of seized firearms, evidence, contraband or other forfeitable property confiscated, seized or acquired by abandonment through SW, consent, GJ or admin subpoena, surveillance and trash runs MUST be documented on 6051(S or D) as well as on the I-44 in **(b)(7)(E)**



C. EPO #3: Package, transport and store evidence.

1. Sample Text
 - a. Sample Text
 - b. Sample Text
 - 1) Sample Text
 - 2) Sample Text
 - a) Sample Text
 - b) Sample Text
 - c) Sample Text
 - (1) Sample Text
 - (2) Sample Text
 - (a) Sample Text
 - (b) Sample Text

D. EPO #4: Request laboratory examination of evidence.

1. Sample Text
 - a. Sample Text
 - b. Sample Text
 - 1) Sample Text
 - 2) Sample Text
 - a) Sample Text
 - b) Sample Text
 - c) Sample Text
 - (1) Sample Text
 - (2) Sample Text
 - (a) Sample Text
 - (b) Sample Text

E. EPO #5: Record evidence in ENFORCE.

1. Sample Text
 - a. Sample Text
 - b. Sample Text
 - 1) Sample Text
 - 2) Sample Text
 - a) Sample Text
 - b) Sample Text
 - c) Sample Text



- (1) Sample Text
- (2) Sample Text

- (a) Sample Text
- (b) Sample Text

F. EPO #6: Properly dispose of evidence.

1. Sample Text

- a. Sample Text
- b. Sample Text

- 1) Sample Text
- 2) Sample Text

- a) Sample Text
- b) Sample Text
- c) Sample Text

- (1) Sample Text
- (2) Sample Text

- (a) Sample Text
- (b) Sample Text

II. Demonstration

Type here.

III. Student Practice

Type here

IV. Feedback and Remediation

Type here

CONCLUSION

I. Summary of Main Ideas

Type here

Comment (b)(6),(b)(7) Explain how the instructor will demonstrate performing the skills addressed in the lesson or demonstrate applying the knowledge addressed in the lesson. (Skill lessons require performance. Knowledge and/or idea lessons require application, analysis, recognition of examples, etc.)

Comment (b)(6),(b)(7) Describe what the student will be actively doing during practice. Explain how each student will be allowed to perform/apply what is on the lesson and ultimately on the job. If there are specific instructions for the instructor, these can be outlined in this section; if the instructions become too lengthy they can be documented as an attachment to the lesson plan. The student practice activities should mirror the instructor demonstration activities.

Comment (b)(6),(b)(7) Describe the method used (checklist, group debriefing, numeric score, partner critique, etc.) to ensure that students are openly told how they performed during practice, what they should have done and what to do next. The instructor must document plans for possible retraining or additional practice.

Comment (b)(6),(b)(7) Review the main content elements and show how they relate to each other and to the objective.



II. Integration

Type here

III. Objectives

Type here

IV. Motivation

Type here

V. Test or Final Activity

Type here

Comment (b)(6),(b)(7) Explain how the lesson relates to other lessons in the curriculum - - what has come before and what will come later.

Comment (b)(6),(b)(7) Tell or ask students what they are able to do.

Comment (b)(6),(b)(7) State, demonstrate, or ask the benefits of having learned the behavior identified in the lesson objective.

Comment (b)(6),(b)(7) Explain how student competency will be assessed. The condition(s), behavior(s), and criteria should match the Terminal Performance Objective, the demonstration, and the student practice.



U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

Execution of Criminal Warrants

What would you do?

Having been issued a SW, you enter the premises and gather all the occupants.

Would you detain the occupants while conducting the search? *Michigan v. Summers*, 1981

Would you use handcuffs in order to detain the occupants? *Muehler v. Mena*, 2005

Would you search each of these people for weapons? *Ybarra v. Illinois*, 1979



The facts drive the train

What was the SW issued for? Is it high risk?

Detain SUSPECTS and RESIDENTS while executing a SW to prevent flight, minimize risk of harm (high risk contraband), or facilitate opening locked doors/containers. Michigan v. Summers, 1981

Use REASONABLE force to detain occupants.
Muehler v. Mena, 2005

A criminal SW doesn't justify a frisk; You need a reason to suspect that the person is armed and dangerous (Terry Frisk). Ybarra v. Illinois, 1979



What is in it for me?

You are probably already obtaining and executing criminal warrants.....

So why not have a complete understanding of the proper Federal procedures as well as ICE policy?

You will increase your chances of going home safely every night while minimizing your risk of getting sued.

If legal action is taken against you, you will want ICE/DOJ to back you up.



Goal of the Lesson

Condition: Given a situation in which the issuance of a criminal AW and/or SW is expected or has already been obtained,

Behavior: the ERO officer will conduct a pre-operation briefing, confirm assignments, contact any agency with jurisdiction over the target address, and lead the team members in the proper execution of the operational plan,

Criterion: in accordance with the FRCrmP and ICE Policy.



How We Achieve the Goal

EPO #1 Follow basic warrant pre-execution procedures.

EPO #2 Designate the responsibilities of warrant team personnel assignments and properly execute the criminal warrant(s).

EPO #3 Follow basic warrant post-execution procedures.



Administrative v. Criminal

This is not new!

Pre-op plan

Notifications

FOT assignments

Post-op briefing

Just take away the need for consent

Now add an evidence kit



Review of FRCrmP

RULE 4

- 4(c)(3)(A) –upon arrest, show the warrant. If not in possession, inform of the warrant's existence and the offense charged, and show if requested.
- 4(c)(4)(A) –when defendant is brought before the judge (Initial Appearance), also return the warrant.

FYI: Immigration Law Handbook



Review of FRCrmP

RULE 41

- 41(a)(2)(B) - “Daytime” (6 to 10)
- 41(c) –search for 1) evidence; 2) contraband, fruits of crime, or other items illegally possessed; 3) property designed or intended for use, or used in committing a crime; or 4) a person.
- 41(e)(2) –identify: person or property to be searched; person or property to be seized; and, USMJ for the return. Execute no longer than 14 days after issuance during daytime hours (exception) and return to that designated USMJ.



Review of ICE Forms

- DHS Form 6051S: Custody Receipt for Seized Property and Evidence (EVIDENCE – Day 8)
- DHS Form 6051D: Detention Notice and Custody Receipt for Detained Property (Non-evidence/\$\$/Guns/Drugs)
- ICEEOPPLAN: ICE Enforcement Operational Plan (ICEEOPPLAN – Day 9)



What We Will Do

- Go through your Evidence Kits
- Review example ICEEOPPLAN
- Discuss pre-execution brief
- Discuss personnel assignments
- Discuss post-execution brief
- Review example executed SW and other example documents
- Pre-practice: TD 9
- Practice pre-execution brief - Phase 12
- Practice warrant execution - Phases 13-14
- Final Test of Activity on Day 14 and 15



EVIDENCE KIT

Even on an administrative operation

DHS 6051S, D and A 4607 4605 G-56	ICE Statements Miranda I-213 **See next slide	USMS 312 **Check with your local office
Health/Safety Gloves*, Mask, Sanitizer, Bug Spray, etc	Evidence boxes, bags, tags (DHS-366), label, tape	Camera Batteries Film/Memory Card
Notebook Pens, Pencils, Sharpies	Sketch Pad/ Photo Log/ Room Identification Forms	MISC Ruler Tape Stapler

ICE 214-FOIA-01578.001729



REQUIREMENT – Prompt Presentment

- “without unnecessary delay” - Rule 5(a)
- Booking, Notifications and Transport
 - Fingerprints
 - Photograph
 - AUSA, USMS, Pretrial Services
- Confessions – Corley v. United States
 - Voluntary (Miranda)
 - 6-hour time limit
- Any delays beyond must be reasonable or necessary e.g. means of transport or distance to USMJ

****For this reason, FOTs will complete booking process and attempt statement ON SCENE**



Pre-Operation Briefing ICEEOPPLAN

- Basic case information
- Operational Objectives
- Summary of Investigation
- Additional Safety Information
- Personnel Assignments

Don't attend - Don't participate

ALWAYS REVIEW USE OF FORCE



LEGEND

Personnel Assignments

TL Case Agent / Team Leader	ET Entry Team	BR Breacher
ST Search Team	EV Evidence Custodian	AT Arrest Team
PH Photographer	SK Sketch Officer	RO Radio Officer
PT Prisoner Transport	CT Cover Team	P Perimeter



TL / Case Agent

- Pre-execution
 - Investigate
 - Coordinate
 - ICEEOPLAN and briefing
- Notify locals / Sector / H.S.I.
- Execution
 - Record date/time executed
 - Ensures inventory of items seized is prepared
 - Provide copy to person or leave on scene
 - Miranda?
 - Secure scene
- Post-execution
 - Contacts (DOJ – Courts)
 - De-briefing



ET and BR

- Minimum of 8 (including locals or other fed agents/officers)
- BR
 - Forced entry MAY be necessary
 - Wait a reasonable amount of time
 - Photos
 - *Check AOR
- Action upon entry
 - Secure premises and any weapons in plain view
 - Gain control of occupants and bring to central location
 - Michigan v. Summers / Muehler v. Mena / US v. Monteith



18 USC 3109

The officer may break* open any...door or window of a house, or any part of a house, or anything therein, to execute a SW, if, after notice of authority and purpose, ...refused admittance or when necessary to liberate himself or a person aiding him in the execution of a warrant.

**Longstanding presumption is that the owner/offender will obey – give them a chance!

- Knock, Announce, Demand Entry (Wilson v Arkansas)
- 3 Exceptions (Richards v Wisconsin)

Futility – Person already knows so no point

Danger – Peril or danger of bodily harm, injury, death

Frustration to SW purpose – Flee or destroy



AT

- **ID EVERYONE**
 - Wants/Warrants (Sector or LESC)
 - Who will stay / Who will go
- **ARREST TARGET**
 - Rule 4(c)(3)(A)
 - SIA
- **BOOKING PROCESS** (Pennsylvania v. Muniz)
 - I-213 (Booking information)
 - USM 312
 - DNA Sample Collection (28 CFR Part 28 – 5/12 ERO policy)
- **Statement** (Corley v. United States)
 - 73-025 – Miranda
 - Sworn Statement



PT

- Minimum of two
- May complete the booking process
- I-247 (b)(7)(E)
- Follow ICEEOPPLAN regarding transportation location
- SECTOR



EV

- Pre-search walk-through
 - with the PH and SK
 - Safety check
 - Label search areas with “room identification” forms

- Collect evidence
 - 6051S / COC
 - packaging and controlling
 - transporting
 - storing



ST

- Complete top portion of room identification form
- Minimum of 2 per search area /
Overlapping detailed search
(Second 2-man ST can “re-search”)
- Announce discovery
 - PH will photograph in place
 - EV will collect
- Complete bottom portion of Room ID form



P / CT

- Established prior to making entry
- Who is getting in?
- Who is getting out?
- Don't leave your post



PH

- Responsible for:
 - Photo log
 - Pre- and Post-photos
 - Photograph evidence
- Why take photos?
 - Document against defense
 - Recall
- Why keep a log?
 - Where, when, who found it
 - Tampering claims



SK

- Why make a sketch?
 - Court aid
 - Memory aid
 - Document position of evidence when located
- Multi-level premises
- Optional
 - Observe scene
 - Measure distances
 - Locate and draw objects and evidence
 - Indicate North, scale, and legend

Not listed on the ICEEOPPLAN



RO

- NET (Repeater) operations
 - Direct to SECTOR
 - Safety checks
 - Recommend one of the AT be RO
- TAC operations
 - No repeater or not using Sector
 - Recommend one of the AT run identity checks

Not listed on the ICEEOPLAN



Post-operation briefing

TL/Case Agent

- Collect:
 - Equipment
 - ICEEOPPLAN
 - Copies of federal court forms
 - Officer notes
 - Sketches
 - Photo log and memory card
- Debrief
- Verify with EV items seized



Rule 41(f)

Executing and Returning the Warrant

- (1)(a) – Note exact date and time
- (1)(b) – Inventory
 - TL, EV and PH – two are the witnesses
 - May be witnessed by person from whom items are seized
- (1)(c) – Copy of SW and Receipt (6051)
 - Either give to person or leave at premises
- (1)(d) – Return
 - PROMPTLY to USMJ

*** US v. Monteith – 4th circuit



Summary

- Pre-briefs provide a thorough understanding of the case and the goals behind the operation.
- Post-briefs provide a way to communicate back to the Case Agent any important problems or issues.
- Knowing what your specific duties are, as well as those of the others, will help the whole team operate more efficiently and effectively.



TAKE AWAYS

- What are some basic pre-execution procedures?
- Name some of the personnel assignments and duties.
- What procedures are required by Rule 41(f)?
- What are some basic post-execution procedures?



ACCOMPLISH YOUR MISSION

- You are legally responsible for following the FRCrmP (4 and 41) and respecting the legal rights owed to a person.
- Decrease your chances of being the target of any civil or criminal action.
- Increase the chance of having a safe and successful case.



PRE-PRACTICE

TD-9

- EXECUTION lesson
- EVIDENCE lesson
 - Label Room
 - Call for EV and PH
 - Chain of Custody
 - SW Execution



PRACTICE

Phase 12-14

- EVIDENCE lesson
- ICEEOPPLAN lesson
- Draft your team's plan
- PRACTICE: Phases 12-14
 - Briefing
 - Execution
 - De-brief



WHAT WE WILL LOOK FOR:

- Pre-search walk-through (scene safe)
- Search areas labeled (room identification form)
- Sketch (acceptable for use in court proceedings)
- ST (2-man teams find all evidence)
- Rule 41(f)(1)(A-C) (date and time entered on warrant, inventory prepared and witnessed, and copy of warrant and receipt provided)
- PH (before, during, and after and Photo Log)
- Post-search walk-through and scene secured
- All AW documentation completed (Miranda, USM 312, etc)



Final Test of Activity

Day 14 and 15

- Will not be part of your current scenario
- We will give you pieces of a new case
- You will properly execute the SW according to Rule 41(f)

****Critical sections are automatic failures**



QUESTIONS?





U.S. Immigration and
Customs Enforcement

ICE ACADEMY

Field Operations Training Program Prosecutions

FIELD OPERATIONS

How are we ONE TEAM?

- NFOP - fugitives
 - JCART – at-large criminals
 - CAP – incarcerated
 - LEAR unit – police encounters
-
- VCAS - depends on the above to identify individuals to be presented to the USAO for criminal prosecution

IT IS UP TO ALL OF YOU!



ICE ACADEMY

Mission, Vision, Values

Our Mission:

Develop & Deliver professional training in order to provide ICE employees with the Knowledge, Skills, and Abilities essential to ICE's National Security and Law Enforcement mission

Our Vision:

Prepare agency personnel for the rigors of their duties

Core Values:

Innovation ~ Commitment ~ Education ~ Achievement



ICE Academy Management Staff

Chief

(b)(6),(b)(7)(C)

Unit Chief, ERO

(b)(6),(b)(7)(C)

O-843-745-

C-912-577-

(b)(6),(b)(7)(C)

Section Chief, ERO

(b)(6),(b)(7)(C)

O-843-745-

C-912-577-

(b)(6),(b)(7)(C)



ICE Academy ERO Staff

TEAM B

(b)(6),(b)(7)(C)

Main coordinator CCS

O – 843-745-
C – 912-577-

(b)(6),(b)(7)
(C)

(b)(6),(b)(7)(C)

CCS/Tactics

(b)(6),(b)(7)(C)

Tactics/M4

C – 843-991-

(b)(6),(b)(7)(C)



ICE Academy ERO Staff

TEAM C

(b)(6),(b)(7)(C)

CCS

O – 843-745
C – 912-577

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

CCS/Tactics

(b)(6),(b)(7)(C)

Main coordinator Tactics/M4

O-843-745
C- 619-778

(b)(6),(b)(7)(C)



ICE Academy ERO Staff

Additional Instructors

(b)(6),(b)(7)(C)

– Team B

(b)(6),(b)(7)(C)

– Team C

M4 and TACTICS



ICE Academy ERO Staff

Legal Instructor “AUSA”

(b)(6),(b)(7)(C)

O – 843-745- (b)(6),(b)(7)(C)



Student Introductions

Current Unit

How long

Past Experience

Prior training in Charleston?

Anything else of interest

CLASS PRESIDENT –

Shirts, Party and Coffee



Resources

- Classroom Buildings
 - MCR - Bldg 61 - 275
 - Bathrooms / Snack Bar
 - Breakout rooms – 266 / 265
 - Firing Range – Bldg 64
 - Bldg 686 and Raid Houses
- FLETC Convenience Complex – Building 46
 - Health Unit
 - Post Office
 - Old Gym / Basketball courts
- New Gym / Uniform Issue – Building 65
- ICE Building 16
- **Off-site Training – NWS**

YOU WILL BE DRIVING YOURSELVES!!



Computer rooms

- FLETC Computers - building 61 room 136 to access your email and the internet
- ICE Computers - building 61 room 165-D - Combo is 13241326
- Fax Machine in building 61 room 165,*91 then your number.
- Available during and after business hours



Emergency Procedures

- Phone numbers:
 - *9911 from base phone to access local police
 - 911 for FLETC
 - 843-746-0802 – Health Services Unit
 - 843-974-6303 – FLETC Security Police
 - 843-566-8554 – Security Specialist
- Be Prepared:
 - Fire exit plans
 - **Injuries/Illness – report to coordinator and health unit – must have Doctors excuse**
 - Weather - hydrate, avoid alcohol/caffeine
 - Bugs



Conduct

You Represent ICE and ERO

- Respect classmates, colleagues and all staff
- **Weapons (VCC)**
- **Red Guns/equipment/ICE vehicles**
- **Parking, Speed limits, and Traffic**
- Student Honor Code
- EEO and Sexual Harassment
- Fraternization Policy
- Disciplinary Procedures
- Stress Support
- **Class hours are 7:30 to 4:30 (M-F)**
 - Remediation conducted on AUO
- Cells phones on vibrate/No texting



House Keeping

- **Recycling**
- **Tobacco products**
- **Food**
- **Drinks**



Course Description

Investigative tools and methods to develop leads and verify location of prosecutable aliens

Report writing and case management

Execution of criminal arrest and search warrant

Evidence collection

Court testimony and procedures to include coordination

Prosecution case file folder

Accomplished through instruction as well as a continuing case scenario



Overview of Course

- Not an SRT course!
- Majority of the course focuses on the FRCrmP and FRE
- Balance between procedures, policy and entry tactics
- Additional 14 hours for M4 training and qual



Course Agenda

Refer to the three-week schedule

Topics We'll Cover:

- SW Tactics
- M4 (Lunch at NWS)
- ERO Prosecutions – 7 blocks
- TECS CM - 3 blocks
- Prosecution File Folder
- Report Writing
- Execution of Warrants
- Evidence -2 blocks
- SEN
- ICEEOPLAN

CCS incorporates 26 phases which allow FOTs to practice or be tested on above lessons



Scheduling Concerns i.e., EARLY LUNCHES

- DAY 3: Class photo at 11:15- 3rd Floor Rm 338
- Day 2: Lunch at NWS – leave immediately
- Day 7: Lunch at NWS
- Day 9: Lunch at NWS

- Day 12: Warrant execution – street attire
- Day 13: Court appearance – court attire
- Day 14: Wear civies - bring in uniforms
- Day 15: Final P.E. – street attire



Teams

- Two 8 person teams assigned to ERO CHS, FOD Glynco

- FOT B-

- FOT C-

(b)(6),(b)(7)(C)

- Know your FOT members names and contact numbers
- Select TL responsible for liaison with CCS-C re: transportation, injury/illness
- Each FOT has at least two individuals assigned ICE vehicles to be utilized during and after hours with your team



Firearms - NWS

- All Live Firearms Training will take place at the NWS
- N 32.992161 – W 79.971027
- S. Freedom Drive, Goose Creek, SC 29445
- Train like you fight / Fight like you train
 - Red M4 in GOV
 - Elbow/Knee Pads
 - Box lunches
 - NO live fire on first day
 - 45 min FLETC Safety Brief



Evaluations and Testing

P.E./Skills Assessment Checklist

- SEN-Phase 17 Day 13
- ERO Prosecutions – Phase 22 Day 13
- (b)(7)(E) CM/Report Writing-Phase 25 Day 14
- Prosecution File Folder-Phase 26 Day 14
- P.E.- New Case- Days 14 and 15
 - Evidence
 - Execution of criminal warrants
 - ICEEOPLAN

**Checklist located on student thumbdrive



Participant Workbook

- Workbooks specific for assigned FOT
- Includes handouts which will be removed and put in prosecution folder
- Includes examples and reference material for future use



Additional Books

- Immigration Law Book
- FLETC Legal Books
- Write Right

****TAB during lectures**



Team Breakout

- Team B- (b)(6),(b)(7)(C) Rm 275
- Team C- (b)(6),(b)(7)(C) -Rm 266
- Make phase leader assignments
- Make (b)(7)(E) CM assignments
- Make P.E. assignments



Summary

- Your input matters
 - Start critiques now and turn in weekly
- Advanced tactics training
- Advanced FRCrmP and FRE training
- You will be one of only a few in ERO





U.S. Immigration and
Customs Enforcement

ICE ACADEMY

Field Operations Training Program Prosecutions

WAKE UP!

Think about your field experience; an encounter of evidence, contraband and/or a criminal alien.

What aspect(s) of the federal criminal process have you been involved in?

Have you ever presented/been the case agent on a criminal case?

What is it that you hope to get out of this course?



Student Introductions

Current Unit

**Any criminal prosecution
experience?**

Anything else of interest?

**CLASS PRESIDENT –
Shirts, Party and Coffee**



FIELD OPERATIONS

One Team One Fight

**You are a member of one of ERO's
progressive enforcement teams:**

- National Fugitive Operations Program
- Criminal Alien Program
 - Violent Criminal Alien Section
 - Joint Criminal Alien Removal Taskforce
 - Law Enforcement Agency Response Unit

IT IS UP TO ALL OF YOU!



No Problem!



Training Goal

Proficiency in the following:

- Obtain/develop/act upon lead
- Present case to the USAO and coordinate with other court entities
- Develop case through investigation
- TECS CM and report writing
- Obtain and execute criminal warrants
- Handle evidence and contraband
- Prosecution case file folders



Overview of Course

- Not an SRT course!
- Majority of the course focuses on the FRCrmP and FRE
- Balance between procedures, policy and entry tactics plus 18 hours of M4
- You will work in TEAMS



Course Description

Instruction / CCS (26 phases/labs) / P.E.

Lab assessment checklists

P.E. skills assessment checklists (see thumbdrive)

Simulated field situation which integrates all of the instruction and includes:

- **Completing an I-138;**
- **Presenting case;**
- **Applying for criminal warrants;**
- **Preparing and briefing plan;**
- **Executing warrants;**
- **Handling evidence;**
- **and, Managing case in (b)(7)(E) CM and Pros File Folder**



Course Agenda

Refer to the three-week schedule

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- M4 (Lunch at NWS)
- ERO Prosecutions – 7 blocks
- (b)(7)(E) CM - 3 blocks
- Prosecution File Folder
- Report Writing
- Execution of Warrants
- Evidence -2 blocks
- SEN
- ICEEOPLAN



Scheduling Concerns

- Day 2: Lunch at NWS – leave immediately
- Day 3: Class photo at 11:15- 3rd Floor Rm 338
***** WEAR ICE POLO
- Day 5: Lunch at NWS
- Day 7: Lunch at NWS
- Day 9: Lunch at NWS
- Day 12: Warrant execution – street attire
- Day 15: Final P.E. – street attire – Uniform
return at lunch



Evaluations and Testing

P.E./Skills Assessment Checklist

- SEN-Phase 17 Day 13
- ERO Prosecutions – Phase 22 Day 13
- (b)(7)(E) CM/Report Writing-Phase 25 Day 14
- Prosecution File Folder-Phase 26 Day 14
- P.E.- New Case- Days 14 and 15
 - Tactics
 - ICEEOPLAN
 - Execution of criminal warrants (CRITICAL)
 - Evidence (CRITICAL)

**Checklist located on student thumbdrive



Participant Workbook and Thumb Drive

- Workbooks specific for assigned FOT
 - Includes handouts which will be removed and put in prosecution folder
- Thumb Drives will be copied to CDs
 - Include documents necessary to complete CCS (DFOTPP)
- Both include examples and reference material for future use



Conduct

You Represent ICE and ERO

- What has bothered you in past training?
- Respect classmates, colleagues and all staff
- **Weapons (VCC)**
- **Red Guns*/equipment/ICE vehicles**
- **Parking, Speed limits, and Traffic**
- **Class hours are 7:30 to 4:30 (M-F)**
 - Remediation conducted on AUO
- Cells phones on vibrate/No texting
- What do you suggest?



House Keeping

- **Recycling**
- **Tobacco products**
- **Food**
- **Drinks**



Resources

- Classroom Buildings
 - MCR - Bldg 61 - 266
 - Bathrooms / Snack Bar
 - Breakout rooms – 268/263
 - Firing Range – Bldg 64
 - Bldg 686 and Raid Houses
- FLETC Convenience Complex – Building 46
 - Health Unit
 - Post Office
 - Old Gym / Basketball courts
- New Gym / Uniform Issue – Building 65
- ICE Building 16
- **Off-site Training – NWS (see thumb drive)**
YOU WILL BE DRIVING YOURSELVES!!



Emergency Procedures

- Phone numbers:
 - *9911 from base phone to access local police
 - 911 for FLETC
 - 843-746-0802 – Health Services Unit
 - 843-974-6303 – FLETC Security Police
 - 843-566-8554 – Security Specialist
- Be Prepared:
 - Fire exit plans
 - **Injuries/Illness – report to coordinator and health unit – must have Doctors excuse**
 - Weather - hydrate, avoid alcohol/caffeine
 - Bugs – each team will receive a can of spray



ICE Academy Management Staff

Division Chief

(b)(6),(b)(7)(C)

(A) Unit Chief

(b)(6),(b)(7)(C)



COORDINATORS

(b)(6),(b)(7)(C)

843-209- (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Tactics

843-735- (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

M4

843-991- (b)(6),(b)(7)(C)



ICE Academy ERO Staff

Legal Instructor “AUSA”

(b)(6),(b)(7)(C)

O – 843-745- (b)(6),(b)(7)(C)

C – 843-769- (b)(6),(b)(7)(C)



Teams

- 8-person FOTs assigned to ERO CHS, FOD GLN

- FOT A – (b)(6),(b)(7)(C) MIA/LOS

- FOT B- (b)(6),(b)(7)(C) DET/ATL

- FOT C- (b)(6),(b)(7)(C) PHO

- Know your FOT members names and contact numbers (sheet going around)

- Select TL responsible for liaison with CCS-C re: transportation, injury/illness

- Assigned ICE vehicles are to be utilized during and after hours with your FOT (who needs cars?)



Team Breakout

- Make phase leader assignments
- Make (b)(7)(E) CM assignments
- Make P.E. assignments
- Prep for Phase 1 and 2



Summary

- Your input matters
 - Online critiques will be done weekly
- Innovative course for ERO
- Advanced tactics training
- Advanced FRCrmP and FRE training
- You will be one of only a few in ERO



QUESTIONS?





U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

ICE ENFORCEMENT OPERATION PLAN

Why do you need a written plan?

Ensures the 5 essentials:

- Safety
- Legality
- Surprise
- Speed
- Simplicity

Plans vary with regard to
Surprise, Speed and Simplicity

Never compromise Safety and Legality!!



Goal of the Lesson

Condition: Given a situation in which the issuance of a criminal arrest and/or search warrant(s) is expected or has already been obtained,

Behavior: the ERO officer will develop an ICEEOPLAN,

Criterion: in accordance with the ICEEOPLAN template.



How We Achieve the Goal

EPO #1 Review the components of the ICEEOPPLAN template.

EPO #2 Make the necessary contacts and notifications prior to conducting the operation.

EPO#3 Assign necessary roles to team members.



Administrative vs. Criminal

You already use an FOW:

[see FOW in your Participant Workbook]

- Administrative operations
- Consent / K and T
- Doesn't take into account criminal arrest or seizures

The ICEEOPLAN adds a little more!



Criminal Warrants Review

- Pre-execution procedures
 - Evidence Kit
 - Pre-operation briefing
- Team Role Assignments
- Post-execution procedures
 - Post-operation briefing
 - Warrant return



Evidence Review

- Common items to be seized
 - People
 - Proof of citizenship
 - Counterfeit or fraudulent documents

- Evidence Custodian

- High Risk – drugs, guns, \$
(call HSI or OA)



What We Will Do

- See example ICEEOPLANs from PW
- Review ICEEOPLANs template
- Discuss notifications to be made
- Review the notification made on TAMPICO
- Review role assignments
- Discuss the assignments you need to make
- Complete an ICEEOPLAN for your operation
- Day 14 - Final test of activity



ICEEOPPLAN COMPONENTS

Basic Case Information

- Case Agent information
- Operation type
- Violation/charge(s)
- Operation date, time and location
- Briefing/staging dates, times and locations
- Secondary target location?
- Type and description of premises
- USAO information



ICEEOPPLAN COMPONENTS

Summary of Investigation

- brief history of the investigation
- provide target's name and A-number, and summary of the prosecution case
- may be beneficial for team members / participants to get a copy of court documents

WHY? – so they can do their job better



ICEEOPPLAN COMPONENTS

Operational Objectives

- Locate and arrest target

- Seize evidence and/or contraband
 - List of items to be seized
 - Description of premises to be searched

- Additional search areas
 - Vehicles
 - Storage sheds/closets
 - Detached garages



ICEEOPPLAN COMPONENTS

Operational Objectives (cont.)

Do not forget to include:

- Post-operation notifications
- Transport location of arrestee(s)
- Processing location of non-target arrestee(s)
- Transportation and storage location for seizure
- Instructions on securing premises



ICEEOPPLAN COMPONENTS

Suspect Information

- Immigration status/A#
- Criminal History
- History of violence/weapons
- Vehicles
- Physical description and current photo



ICEEOPPLAN COMPONENTS

Other Information

- Spouse, children and animals
- Others frequenting the target location
- Additional persons suspected to be illegally present in the US
- Primary and alternate entry (breaching) points
- HIDTA intelligence
- Local/State PD intelligence
- Assessor/Auditor/Builder/Realtor



ICEEOPPLAN COMPONENTS

Additional Information

- Officer Safety
 - Distress Code (Plain Language, eg: GET OUT or EVACUATE THE HOUSE)
 - Arrest Signal (eg: TANGO or nod head)
 - Radio Channels
- Important phone numbers
 - Sector (1-800-X-Sector) or LESC
 - Locals
 - HSI duty agent
- Nearest hospital location
 - Trauma capabilities
 - Primary/Secondary routes



ICEEOPPLAN COMPONENTS

Personnel Assignments

- Assign roles
- List radio call signs and/or cell phone numbers **cell phones on silent prior to approach
- Additional information:
 - prisoner processing location
 - evidence transport / storage location
 - equipment required
 - attire
 - additional hazards **ex: gang and drug activity



ICEEOPPLAN COMPONENTS

Report Assignments (24 – 48 hours)

- SIR (follow-up to SPEAR)
- ROI
- INCIDENT report
- EABM (I-213, I-247 and I-44)



POSSIBLE ATTACHMENTS

MAPS to:

- Target location
- Staging location
- Rally point location (if designated)
- Hospital/Trauma Unit

***Secondary routes for all

PHOTOS:

- Target location to include aerial photo
- Target

***See MAPS and PHOTOS in your PW



CONTACTS and NOTIFICATIONS

PRIOR TO OPERATION

- DEA Notification Page
 - ERO does not have Title 21
 - Encountering drug-related evidence
 - Advise TL
 - Does it meet your federal, state or local thresholds?
 - Contact AUSA, HSI or OA
 - Do not contaminate further
- Locals
 - mandatory – in advance or just prior
 - safety – “blue on blue”
 - force multiplier



CONTACTS and NOTIFICATIONS PRIOR TO OPERATION

- Others
 - HSI (deconfliction – Duty Agent phone #)
 - HIDTA or other Fed Task Force
 - LESC (adequate support)
 - SECTOR (fax or email Op Plan)
 - Other ERO components (beds, ATD, Juvi's)
 - Local CPS (USC / LPR minors)
 - Animal control (Can't leave)
 - Public Affairs (SPEAR)



CONTACTS and NOTIFICATIONS

TAMPICO case

- NCPD - Captain Hagge – 4 officers will assist
See PD NOTIFICATION in your PW.
- INTEL
 - Drug activity
 - Gang activity
 - Noise disturbances but no charges
- Other Examples
 - Notify in advance if going to a school (ERO Policy), high crime area, large company
 - Notify just before if sanctuary city or small PD lacking experience or knowledge



Role Assignments

Up to 15 Roles

Personnel assignments include:

PT-prisoner transport

S-surveillance or pre-op scout

BR-breacher

ST-search team

EV-evidence collection

P-perimeter security (often assigned to local PD)

C-cover team

ET-entry team

PH-photos

TL-team leader

A-arrest team

TRANSITIONING IS KEY!!



Role Assignments

TAMPICO Operation

Personnel assignments to be made:

ET-entry team (entire team will be assigned)

BR-breacher

PH-photos

ST-search team

TL-team leader

EV-evidence collection

A-arrest team

SK – sketch officer

RO-radio officer

Remember:

you will be assigned more than one role

not all roles are assigned for every operation



Your ICEEOPLAN

Phases 9

Complete the ICEEOPLAN template

Use FOW, maps, photos, use of force continuum and PD notes located in PW

What else do you need to use to develop this plan?

**County Assessor or Auditor / Realtors / Builders – various websites and offices may have further information such as square footage, bedrooms/baths, floor plans

Thumb drive contains the word document version of each report



Final Test of Activity

Day 14

- Will not be part of your current scenario
- You will receive information on a new target
- Each FOT will complete a new ICEEOPPLAN
- The plan will then be briefed



TAKE AWAYS

- What are some of the general components of an ICEEOPPLAN?
- What notifications are made prior to the operation and why?
- Describe role assignments you will make prior to the TAMPICO operation.



Remember

A written, clear and concise plan ensures the following:

- SAFETY
 - Safety is of utmost importance.
- LEGALITY
 - Don't risk evidence being suppressed, the case being dismissed, and the defendant being released.
 - Let FOT members know what is expected and allowed.
- SURPRISE, SPEED, SIMPLICITY
 - Execute at a time that ensures the suspect, evidence, or contraband will be present.
 - Speed can help to prevent resistance or destruction of evidence.
 - A simple plan will prevent confusion or error on the part of team members.



ONE FINAL NOTE

You cannot plan for everything –
expect the unexpected!!



QUESTIONS?





U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

Prosecution Case File Folder

Why do you care?

- Taking over or helping on a case
- Testifying before the Grand Jury, at a suppression hearing or trial
- Being deposed in a civil suit

An official record consistent throughout ICE ensures proper maintenance, security, organization and success!



You have already seen it with A-files...Now how would you like to take over this investigation!



Goal of the Lesson

Condition: Given the acceptance of a criminal prosecution case by the AUSA,

Behavior: the ERO officer will prepare and maintain a prosecution case file folder,

Criterion: in accordance with DHS and ICE Directives as well as the ERO Prosecution Case File Folder tasking.



How We Achieve the Goal

- Differentiate between the components of a prosecution case file folder.
- Properly organize a prosecution case file folder.



Pros Files vs. A-files

You already are responsible for:

- Taking annual VU training on how to secure files when not in active use
- Properly storage and security of A-Files, target work folders and other files

Now just apply this to criminal cases



Directives Review

- DHS Management Directives
 - Safeguarding Sensitive but Unclassified Information
 - Physical Protection of Facilities and Real Property
 - Records Management
- ICE Directives
 - Safeguarding Law Enforcement Sensitive Information
 - Alien Registration File Creation, Maintenance, Organization and Disclosure of Information



Privacy Act of 1974

- Disclosure of PII of,
- U.S.C., LPR, visitor or alien,
- outside of DHS,
- whether verbal or written,
- must be documented utilizing the Privacy Act Disclosure Report, i.e.,
- DHS Form 191



What We Will Do

- Explain the 6 components of a prosecution folder and specific information contained in each
- Review example documents
- Begin to put together the TAMPICO folder using paperwork from Phases 1 – 4
- Continue to organize and maintain folder during Phases 5 – 24
- Final test during Phase 26 using documents from Phase 25



Prosecution File Folder

General Components

- Administrative Items
- Investigative Reports
- Court Documents
- ICE Documents
- Other Agency Documents
- Investigative Paperwork



Your Prosecution Folder

Take out your 6-part classification folder and the case file folder GO-BY

Left to Right
Front to Back
Like a Book

NOTE: You will use this folder for the duration of this course



Administrative Items

- Investigative Case Record – Case Closing
- Case Chronology and Review Sheet
(EX: ICE Form 73-004)
- Investigative Case Record – any
modifications
- Investigative Case Record – Case
Opening



Investigative Reports

Reports of Investigation (ROI)

- In order
- Oldest on bottom
- Most recent on top
- EXAMPLE ROIs



Court Documents

Relating to your case

- Warrants
- Subpoenas
- Indictments
- Court Orders
- Pleadings
- Judgment and Conviction Records
- Any other court documents



ICE Documents

A-file documents and more

- Immigration Documents
- (b)(7)(E) records
- Significant Event Notifications (SEN)
- (b)(7)(E) (S/A/S) Incident Reports
(EX: Incident Report)
- Memoranda
- Letters
- Custody Receipts (DHS Form 6051S)



Other Agency Documents

To include conviction documents

- State and Local police reports
- U.S. Attorney Office letters and reports
- Administrative Subpoena results



Investigative Paperwork

Miscellaneous

- Photograph
- Fingerprints (FD-249, R-84)
- Original investigative notes
- Photocopies



Your Prosecution Folder

Everything from Phases 1-4

- Copies from A-file
- Printouts from DHS databases
- Printouts from outside databases
- Documents from Sgt. Johnson
- I-138 results
- (b)(7)(E) Case Opening
- ICE Form 73-004

E-copy on thumb drive can also be used



Continuing Practice

Phases 5 - 24

- More ROIs
- More court documents
- More ICE documents
- ETC



Practical Exam

Phase 25 - 26

- Properly file Phase 25 documents without instructor assistance
- File review during Phase 26
- Use your completed folder as a field guide



TAKE AWAYS

- What are the 6 general components of your prosecution file folder?
- Name some of the specific documents that go into each of these sections?
- Why should you keep an official record of your criminal case?
- Why should ICE tell you how to organize your file?



Remember

- Many documents - reports, officer notes, statements, photographs, and court documents
- Logical and consistent organization
- Some may be used as evidence
- Proper storage is critical in maintaining the integrity of the case.
- YOU are responsible for following DHS and ICE rules



QUESTIONS?





U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

ERO Investigative Report Writing

Compare these reports

Three...bags containing...powder were observed in plain view...along with ...bag containing a green leafy substance... Subject verbally consented to a search...A fourth ...bag containing...substance was found...The green leafy substance tested negative for marijuana.

Once in the apartment the subject was read his Miranda warning...The subject stated that he had two guns...wanted to show us...While recovering the weapons...a green leafy substance later identified as marijuana and a white grainy substance...was also located and seized in the apartment.



What was it?

Did they see the “drugs” in plain view, and then get consent to search

OR

Did they locate the “drugs” subsequent to getting consent?

Was the green leafy substance marijuana or not?

Were the officers writing these two reports even present at the seizure?

Where did they get their information?

HOUSTON, WE HAVE A PROBLEM!



Goal of the Lesson

- **Condition:** Given a field situation, requiring enforcement of the criminal provisions of Titles 8 and 18, United States Code (USC),
- **Behavior:** the ERO officer will be able to take notes and statements, and develop them into investigative reports,
- **Criterion:** in accordance with the (b)(7)(E) CM User Guide, FRCrmP and the FRE.



How We Achieve the Goal

Review the use, requirements, and legal aspects of law enforcement notes.

Differentiate between methods and ICE forms used to document interviews and take statements.

Differentiate between the types and purposes of law enforcement reports.

Discuss the 5 requisites of a good report, and demonstrate writing a report.



Review of Administrative Duties

- What reports have you traditionally been responsible for?
- What official ICE forms are you using to document statements?
- What is a JURAT?



Criminal Investigative Duties

This class expands your report writing knowledge into the criminal arena.

Understanding where to get information and how to write a report ensures criminals are apprehended and brought to justice.

Inconsistent or poor report writing can negatively impact a prosecution.



What We Will Do

- Discuss aspects of law enforcement notes
- Review “surveillance notes”
- Differentiate between ICE forms used to document interviews and take statements
- Review “victim interview notes”
- Discuss reports developed through the notes and interviews
- Review ROIs from previous phases
- Discuss 5 requisites of a good report
- PRACTICE: Surveillance Report and Memo of Interview
- Continual practice during remaining phases
- Final Test of Activity: Phase 25



FLETC Definition

Law Enforcement Notes

- “any recorded facts, actions, words, or incidents made contemporaneously with the activity being noted which might be used in court”
- May be audio or visual recordings, or written on napkins or matchbook covers, and may include surveillance logs, diagrams, maps and sketches
- May be electronic, e.g. text message



Requirements

- Contemporaneous
- Accurate and Objective
- Clear
- Original – used to write reports

***Always keep your original notes!!



Surveillance Notes

Phase 6 – ROI 2

- Date and time of entry
- Location notes made
- People present
- Your personal identifier (initials)
- Page or item number
- Factual information
- NO hearsay, opinion, conclusion or inferences



Legal Aspects

- Rule 16(a), FRCrmP
 - Relevant statement, testimony, or records relating to the defendant
- Jencks Act (18 USC 3500)
 - Relevant statements, testimony or records made by trial witnesses
- Rule 26.2, FRCrmP
 - Similar to Jencks, but applies to witnesses in any hearing
- Rule 612, FRE
 - Notes and other documents used to refresh memory before or during testimony



E-Communications

- DOJ Guidance on the Use, Preservation and Disclosure of E-Comms applies to YOU
- Basic Principles
 - Is it absolutely necessary – any alternatives that would be more appropriate?
 - Think about it before sending it – is it appropriate – how will it look?
 - How will it be preserved?
- Substantive E-comms
 - Info from investigative activity/interviews/interactions
 - Info or opinion re: credibility/bias of witness/informant
 - Discussions re: merits of evidence
 - Other factual info discoverable (*Jencks*, *Giglio*, etc)

*What if, during surveillance, Somers and Smith had documented all they were seeing in text messages they sent between each other?



Informal Interviews

Field / Telephonic Interviews

- information obtained from interviews of witnesses and others, e.g., family, neighbors, landlords or work associates
- recorded as law enforcement notes or on FI card
- may lead to formal interview at office and/or use of sworn statement
- **END RESULT:** Memorandum of Interview (MOI) [covered in EPO #3]



Victim Interview Notes

Phase 7 – ROI 3

- Read over the notes
- Do they meet the requirements for legally sufficient notes?
- Will you be able to use these to write the MOI?



Sworn Statement

Narrative Statements (I-215)

- I-215B – Criminal
- I-215W - Witness
- “Tell the Story”
- I-263A - Jurat (A = Always After)



Sworn Statement

Q & A (I-263)

- I-263B – Criminal
- I-263W - Witness
- Use with complex issues to leave little ground for misinterpretations or claims that important information was omitted or misunderstood
- What about MIRANDA?
- WORD FOR WORD recording (FL Stowaway)



Law Enforcement Reports

General Purpose

- communicate information in a way the reader understands and can act on
- aid in documenting the progress and development of an investigation/case
- assist in presenting criminal violations to the USAO



Investigative Reports

Includes ROI and G-166

- Reports facts
- Establishes probable cause
- May be based on notes, statements or interviews
- May be based on other information obtained through records checks, file reviews and OLEA reports

* G-166 in EABM should be identical to ROI in (b)(7)(E) CM

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MOI

Type of law enforcement report

- Based on:
 - Informal interview
 - Sworn statement
[covered in EPO #2]
- PURPOSE is to:
 - Establish probable cause
 - Develop or further investigative leads
 - Corroborate information



Surveillance Reports

Surveillance notes or logs

- Based on OBSERVED activities
- Used to report on intended location to search
- Used to prepare a written enforcement operational plan
- Provide notes to the case agent to aid in writing report and for proper filing

Review ROI #2

Where will you file your surveillance notes?



Affidavits

Establishes probable cause

- Used when obtaining criminal arrest and/or search warrants
- ONLY report the facts necessary to establish probable cause, rather than ALL the facts known to the affiant

* Variety of affidavits are located in Day 1 folder of TD



Prosecution Report

- Present facts of case to AUSA for possible acceptance
- FORMAT preferred by AUSA?
ROI - G-166 – Memorandum
- Include following info:
 - Offender, violations, evidence, witnesses, other special facts

* See example “Case Presentation Memorandum” in PW



Structuring the 5Ws

(Review (b)(7)(E) Case Opening)

When	Who	What	Where	Why	And the result; or so what.
On WHEN	WHO performed action	WHAT action verb	WHERE was incident or event	WHY	Resulted in what
WHEN Day 1	WHO ERO Charleston	WHAT received information	WHERE CCDC	WHY TAMPICO is a reentry	Resulted in what Prosecution is accepted



5 Requisites of a Good Report

Accuracy

- Spelling, grammar, punctuation, facts and details
- DON'TS
 - Exaggerate, state opinions, or draw conclusions
- “Direct Quotes”
 - If you don't know what was exactly said, paraphrase



EXAMPLES:

- The person was rude.
vs.
- The person did not look at me when I talked to him and was noncompliant with my instructions.
- The checks were signed by John Doe.
vs.
- The checks were endorsed "John Doe".
- TAMPICO opened an account with the Charleston Water System for services at 132# Register Road, Charleston, SC 29405.
vs.
- An account was opened with the Charleston Water System in the name HMC for services at 132# Register Road, Charleston, SC 29405.



5 Requisites of a Good Report

Completeness

- No further explanation is needed
- Nothing is taken for granted
- It is clear to any reader
- Relevant and material to that report and/or offense
- Who, what, when, where, how, but not WHY



5 Requisites of a Good Report

Conciseness

- Complete and clear while using the least amount of words
- Leave out unnecessary detail
- Not in what you say but how you say it
- Short sentences and short paragraphs
- Rule of 20

sentences less than 20 words and less than 2 lines;
paragraphs less than 5-6 sentences



5 Requisites of a Good Report

Clarity

- Select most useful thoughts and arrange in logical order
- Do the words you have chosen convey your thoughts in a way that avoids misinterpretation?



5 Requisites of a Good Report

Objectiveness

- Impartial, unbiased, unemotional
- Be aware of your tone, and do not include opinion unless relevant and material to report/case



5 Requisites of a Good Report

Let's look at your (b)(7)(E) CM documents (ROI # 1) and review these requisites

- Accurate
- Complete
- Concise
- Clear
- Objective



Summary

AUSA

- not with you during the investigation
- knowledge comes from your reports
- used to make a decision
- used to prepare, present and WIN case

You have already been exposed to notes and reports. The remainder of this course will involve many more.



TAKE AWAYS

- What are some of the legal aspects of Law Enforcement Notes?
- Which ICE forms are used to document sworn statements?
- Name some investigative reports required in a criminal case
- What are the five requisites of a good report?



ACCOMPLISH YOUR MISSION

- Discovery is a pertinent issue
- The defense can call to question everything you have done
- Always consider the defendant's constitutional rights



Practice Report Writing

Surveillance Notes

- You already have the surveillance notes
- Each of you will modify ROI #2 which will later be uploaded into TECS

YOU WILL FIRST RECEIVE TECS CM
INSTRUCTION ON ROI REPORT WRITING
STANDARDS before the RW LAB



Practice Report Writing

Mock Interview Notes

- You have the victim interview notes
- Tomorrow each of you will WRITE the MOI (ROI #3) using these notes
 - Use ROI #1 or #2 as a goby
 - Have your CCS-C review
- Each TEAM will then complete Phases 6-7,

(b)(7)(E)

 CM ROI #2-#3



Day 14 – Report Writing P.E.

CCS Phase 25

- Write closing ROI



QUESTIONS?



Why do you want HQ to know?

- Money, staff and other resources
- May be the only ones who can authorize your action
- SEN gets them your information quick
- Lives may depend on this
- Our media specialists can also respond quickly and accurately



Why the SEN?

- Easily consolidate info into an executive level report
- Distributes info to the right division of ERO or ICE
- Simplifies and enhances flow of info
- Appropriate and immediate response



Goal of the Lesson

Condition: Given access to the SEN,

Behavior: the ERO officer will be able to enter a SPEAR and SIR,

Criterion: in accordance with the ICE Reporting Guidelines.



How We Achieve the Goal

- | | |
|--------|----------------------------|
| EPO #1 | Log onto the SEN system. |
| EPO #2 | Prepare a SPEAR narrative. |
| EPO #3 | Prepare a SIR narrative. |



ERO Investigative Report Writing

You already learned:

- ROIs and MOIs
- Affidavits
- Prosecution Reports

Now lets discuss SPEARs and SIRs



Policy Review

- Assistant Secretary - 2003

Reporting requirements for significant events

- Director ERO - 2009

FODs decide

“When in doubt, report it”



What We Will Do

- 3 ways to log onto the SEN
- Practice logging onto SEN
- SPEARs instruction
- Review recent SPEARs
- SIRs instruction
- Review recent SIRs
- Phase 11 - SPEAR (Lab)
- Phase 17 – SIR (P.E.)



SEN System

(b)(7)(E)



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(b)(7)(E)



(b)(7)(E)



(b)(7)(E)

VIIS

Visual Investigative & Intelligence System

HOME INFORMATION CAPTURE QUERY TOOLS EXT TOOLS WEB LINKS MY PROFILE HELP LOGOFF

INFORMATION CAPTURE

» SEN

Fact Sheet

»

Fact Sheet

» EARS

Fact Sheet

»

Fact Sheet

»

Fact Sheet

» Air/Marine Support Request

Fact Sheet

» LEARA

Fact Sheet

QUERY TOOLS

»

Fact Sheet

EXT TOOLS

»

External Links

WEB LINKS

»

HSI Proprietary

Fact Sheet

»

Intel Fusion

Fact Sheet

HELP

»

VIIS Guide



SEN Application Page

- SIR
- SPEAR
- Predator Arrest (SIR)
- SPOT
- DRO Reports
 - TAV
 - LEAD



SPEAR

PURPOSE

- Report ANTICIPATED enforcement actions
- Notify ICE HQ of an UPCOMING operation



SPEAR

RULES

- No later than 1200 the day before
- No earlier than 48 hours
- FOD decides what is “significant”
- Anticipated press release or coverage
- Follow-up SIRs
- Supervisor approval

Let's take a look at some !



SIR

PURPOSE

To report incidents, significant events, and other emerging or sensitive matters occurring in the field and affecting ICE



SIR

PURPOSE

- National Security and Terrorism-Related Issues
- Employee Related Issues
- Facilities and Infrastructure Issues
- Matters Involving Aliens Arrested or Detained
- Contraband, Narcotic, and other Seizures
- High-Profile Media and Political Issues
- Miscellaneous



SIR

RULES

- Within 24 hours
- Supervisor approval
- Follow-up SIR

Let's take a look at some !



SIR

PREDATOR SIR

- Has it's own separate application
- Required for ARRESTS
- Victim is under 18



SIR

ESCAPE Incident Identifier

- Check the box
- Make the call



HELPFUL HINTS

- Draft Copy
- Import Button
- Once saved as DRAFT, don't "Import" or all is lost



Your SPEAR

Phases 11

Each FOT is responsible for writing the SPEAR regarding the anticipated execution of the AW and SW

Thumb drive contains the word document version of each report



Your SIR

Phase 17

Each FOT is responsible for writing the follow-up SIR SPEAR narrative which will report on the anticipated execution of the AW and SW

Thumb drive contains the word document version of each report



TAKE AWAYS

- How can you access SEN?
- Name some mandatory significant events required to be reported?
- What is the difference between a SPEAR and SIR?



Remember

- You will become aware of or be involved in significant events in your AOR
- SEN is fast, easy and consistent
- Allows for immediate response and assistance to you
- The execution of a criminal warrant always has the potential for media attention or the seizure of contraband



QUESTIONS?



**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
OFFICE OF TRAINING AND DEVELOPMENT**

**ICE Academy
Enforcement and Removal Operations**



**THE SIGNIFICANT EVENT NOTIFICATION
SYSTEM**

Lesson Plan

**FIELD OPERATIONS TRAINING PROGRAM –
PROSECUTIONS**

CONTROL PAGE

Developed By:

January 2011

(b)(6),(b)(7)(C)

CDI / DO, ICE Academy - Advanced

Signature

Content Approved By:

Month / Year

(b)(6),(b)(7)(C)

Branch Chief, Advanced Training Section, ERO Academy

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Instructional Design Reviewed By:

Month / Year

Name, Title

Signature

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Instructional Design Reviewed By:

Month / Year

(b)(6),(b)(7)(C)

Unit Chief, OTD/ IMU

Signature

Signature

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Record of Changes

Date of Change	A=Add. M=Mod. D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
10/11	A	Reference Material – ERO Tasking – Significant ERO Enforcement Activities	New Tasking – different from using SEN but not replacing SEN	
10/12	M	Tech Edits	OTD/FLETA review	
	D	SPOT references	SPORT report is disabled	

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LESSON DESCRIPTION

I. LESSON TITLE

The Significant Event Notification System

II. PROGRAM/COURSE TITLE

Field Operations Training Program - Prosecution

III. DESCRIPTION

This course provides an overview of the Significant Event Notification System (SEN), to include identification of two of its web-based reporting applications. Through lecture, discussion, and review of reports, the students will be introduced to the Significant Proposed Enforcement Activity Report (SPEAR) and Significant Incident Report (SIR) databases contained within the SEN system. Students will demonstrate proficiency during the FOTP-P Continuing Case Scenario (CCS) by completing a SPEAR and SIR).

NOTE: The student practice and test of final activity are described in the FOTP-P CCS Guide, specifically phases 11 and 17.

IV. TERMINAL PERFORMANCE OBJECTIVE

Condition: Given access to the SEN,

Behavior: the ERO officer will be able to enter a SPEAR and SIR,

Criterion: in accordance with the ICE Reporting Guidelines.

V. ENABLING PERFORMANCE OBJECTIVES

EPO #1 Log onto the SEN system.

EPO #2 Prepare a SPEAR narrative.

EPO #3 Prepare a SIR narrative.

VI. LENGTH OF LESSON

PRESENTATION (Including Demonstration)	STUDENT PRACTICE	STUDENT EVALUATION	TOTAL
1 hrs	1 hrs	1hr	3hrs

LESSON ADMINISTRATION

I. LESSON TITLE

The Significant Event Notification System

II. RISK MANAGEMENT PLAN (If Required)

None

III. FACILITY REQUIREMENTS

Computer Lab with Internet connection (24 seats and instructor station for PowerPoint presentation and overhead screen)

IV. TRANSPORTATION REQUIREMENTS

None

V. REQUIRED STAFF

One instructor is required for lecture and demonstration portions of this course. That instructor must have access to the live SEN database as it is required for demonstration of this class. All three CCS-Coordinators (CCS-C) are required for the lab and P.E.

Instructor Preparation: No special instructions for the lecture portion of this class; however, for the LAB and P.E., CCS-Cs must be familiar with the FOTP-P CCS Guide (Phase 11 and 17).

VI. ACADEMY PROVIDED TRAINING AIDS/EQUIPMENT

- Instructor Guide – SEN
- Instructor Guide – FOTP-P CCS Guide
- Power Point Presentation
- Individually issued secure thumb drive containing reference material
- Instructor GOBY SPEAR for Phase #11 LAB
- Instructor GOBY SIR for Phase #17 P.E.

VII. STUDENT PROVIDED EQUIPMENT

- None

VIII. STUDENT SPECIAL REQUIREMENTS

- Students must have completed D-FOTP

IX. STUDENT HANDOUTS/MATERIALS

- Example SEN documents for demonstration
- Pre-written SPEAR – Phase #11

X. ATTACHMENTS

- SIR.doc
- SPEAR.doc

- PREDATOR.doc

XI. REFERENCES

- ICE Significant Event Notification User Guide, version 3.7
- SEN Fact Sheet, Version 2, May 2009
- U.S. Immigration and Customs Enforcement, Reporting Guidelines for SIRs and SPEARs
- Garcia, Michael J., Acting Assistant Director, Immigration and Customs Enforcement, "Reporting Requirements for Significant Events", 11 March, 2003
- Cerda, Victor X., Acting Director, Office of Detention and Removal, "Clarification of the Significant Incident Reporting (SIR), Reporting Significant Prospective Enforcement Activity (SPEAR) and Implementation of the Intranet Web-Based Significant Event Notification (SEN) Application", 9 November, 2004
- ERO Taskings, "Reminder-Significant ERO Enforcement Actions", 20 October, 2011

OUTLINE OF INSTRUCTION

INTRODUCTION

Instructor Notes: Students have already drafted their criminal AW and SW. This lesson will provide them with the knowledge and skills necessary to draft the narrative portion of reports required to be entered into the SEN system. FOTs will practice completing a SPEAR prior to warrant execution. Then FOTs will be tested on the follow-up SIR.

Note: RAPPORT AND OPENING STATEMENT

Instructor will welcome students and go over any administrative details (length of class and breaks).

I. Motivation

Why would you want to let senior managers know about an upcoming enforcement activity or significant incident? These are the individuals, the movers and the shakers, that are in the position to provide you with assistance, e.g., coordinating money, staff and other resources. They may be the only ones with the actual authority to make the decisions necessary for you to succeed in your mission. You are going to want to get the information to them quick. In some cases, especially national security and terrorism related issues, lives may depend on this. There may be media involvement, and our media specialists will be able to respond quickly and accurately. No one wants to be out of the loop, especially senior officials.

Inevitably you will become aware of or be involved with a significant incident, event or emerging matter. Having a web-based system accomplishes the following:

- Consolidation of key information from a variety of information sources into concise executive-level reports;
- Distribution of reports to the appropriate Division or Office at ICE HQ;
- Simplified and enhanced flow of information from the field to HQ management as significant events occur;
- Facilitation of appropriate involvement and responses by high level ICE management; and,
- Pertinent information about incidents, events or activities and involved individuals, is captured and displayed.

The bottom line: The action taken will ultimately benefit you, your FOT, and FOD.

II. Objectives

A. Terminal Performance Objective(s)

Condition: Given access to the SEN,

Behavior: the ERO officer will be able to enter a SPEAR and SIR,

Criterion: in accordance with the ICE Reporting Guidelines.

B. Enabling Performance Objectives

EPO #1 Log onto the SEN system.

EPO #2 Prepare a SPEAR narrative.

EPO #3 Prepare a SIR narrative.

III. Advance Organizer of Main Ideas

We have already provided you with instruction on ERO Investigative Report Writing to include a discussion of many reports you will be required to produce while working criminal cases. SPEARs and SIRs are two additional reports that **MAY** be required.

The simple policy regarding reporting an incident is: "When in doubt, report it!"

IV. Review of Prerequisites

In March of 2003, a memo was issued from the Office of the Assistant Secretary regarding the reporting requirements for significant events. This memo specifically states that field managers and supervisors are responsible for ensuring all ICE employees receive a copy and understand the importance of the policy directive.

In November of 2009, this directive was further defined by the Director of ERO (DRO). The policy, simply stated, is "when in doubt, report it".

The policy did, however, give FODs' discretion in determining who would be granted access to the SEN system. For this reason, you may not all have access to the system, but are still responsible for knowing the mandatory incidents and events required to be reported.

In October 2011, ERO Taskings sent a reminder that all FODs provide a brief summary of the most significant events that will take place over the next 24 hours or have taken place over the past 24 hours. These events will be related to Fugitive Operations, Removals, joint operation with other LEAs and/or significant arrests. These summaries may not necessarily rise to the level of being reported in the SEN system, and the purpose of which is more so to keep the Assistant Secretary apprised of significant actions by ERO rather than those listed above.

Instructor Notes: Instructors must be familiar with both the ICE and ERO policy: March 11, 2003 (b)(6),(b)(7)(C) Office of the Assistant Secretary, "Reporting requirements for significant events"; and, November 9, 2004, Victor X. Cerda, DRO, Clarification of SIR, SPEAR, and the implementation of the SEN application". Be familiar with the October 2011 ERO Tasking re: Significant ERO Enforcement Actions. Students have been provided with copies of these memos on their thumb drives.

V. Agenda

- Instruct and demonstrate the three ways to log onto the SEN system.
- Practice logging onto the SEN system directly.
- Instruct on SPEARs.
- Demonstrate by reviewing recent SPEARs entered by students' offices.
- Instruct on SIRs.
- Demonstrate by reviewing recent SIRs entered by students' offices.
- Student practice will immediately follow as Phase 11 will require FOTs to draft a SPEAR narrative to be entered into the SEN system.
- Final Test of Activity will occur during Phase 17. FOTs will draft a SIR narrative to be entered into the SEN system.

INSTRUCTION

Instructor Notes: A power point has been created for the lecture portion of this course. The powerpoint will provide links to live databases required, i.e., SEN, VIIS, and IFS.

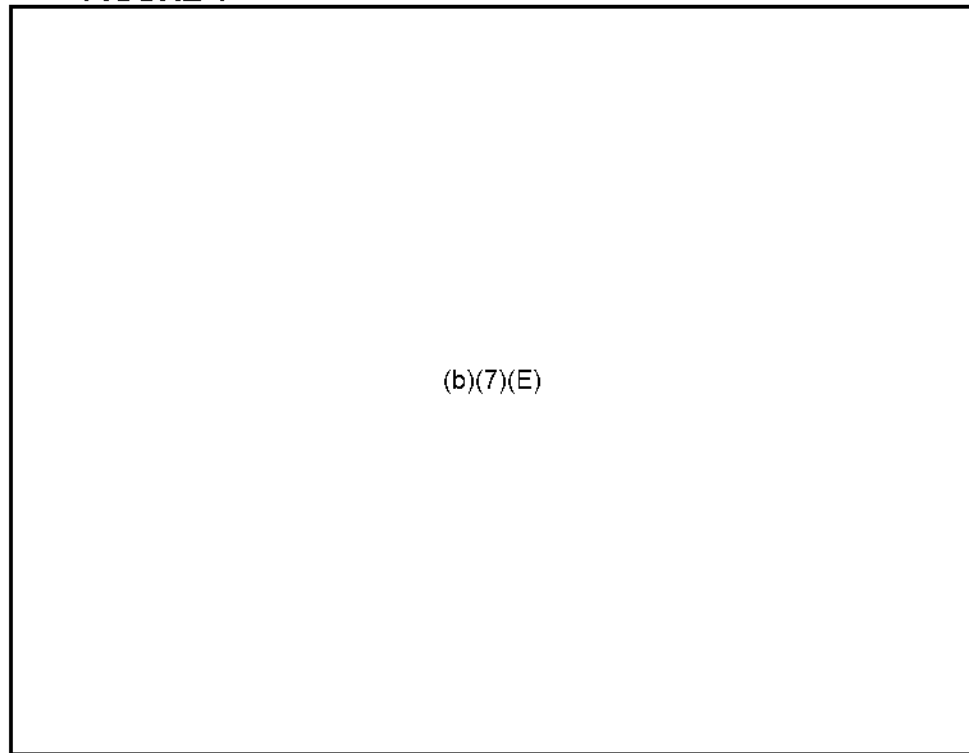
I. Explanation

A. EPO #1 – Log onto the SEN system.

There are three ways to get to the SEN system.

1. Direct link to the SEN Reporting Application
 - a. (b)(7)(E)
 - b. Provides access to ERO specific reports without having to log into the system
 - c. Provides emergency word template forms without having to log in

FIGURE 1



Instructor Notes: Access the live system so that you arrive at the screen shown in Figure 1. Ask students to do the same on their computer using the above listed web address. Not all students should attempt, due to manageability issues. Recommend the “middle” student attempt while the students to either side observe. Students who do not have access will not get past this screen.

DEMONSTRATION: Click onto the templates to show students that they still have access to the word version of the report even if they do not have access to the live system.

2. External link through the INTEL FUSION website

- a. (b)(7)(E)
- b. Proceed to the ICE home page
- c. Link to the SEN home page (see Figure 2)

(b)(7)(E)

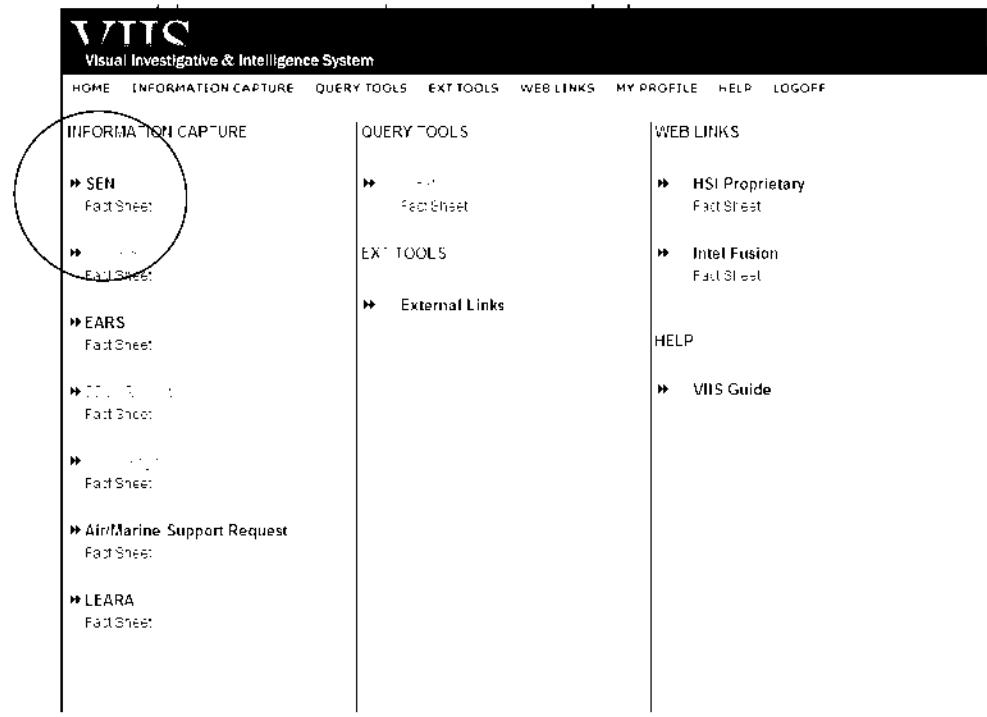
Instructor Notes: Access the Intel Fusion system, then proceed to the ICE homepage where you will locate the link to the SEN system (located within the circle on figure 2). Students may follow along. Those students who do not have access will be directed to a page allowing them to request access. Time permitting, have those students complete the request for access, and advise that by the end of this lesson, they will receive their INTELFUSION password via email.

OPTIONAL ADDITIONAL DEMO: Using the PP Screen Shot of the ICE TDS screen, from the live IFS system, query Antonio Benitez-Vergara, a DAL FOT enforcement operation that led to IISI seizure of 2.3 million and the arrest of cartel member. Note that ERO can access IISI ROIs and Incident Report narratives through this system.

Those that do have access should be able to get to the screen as shown above, and observe the External Links on the left side of their webpage.

3. External link through the Visual Investigative and Intelligence System (VIIS)
 - a. (b)(7)(E)
 - b. Link to the SEN home page (see Figure 3)
 - c. Must have VIIS access in order to use this link

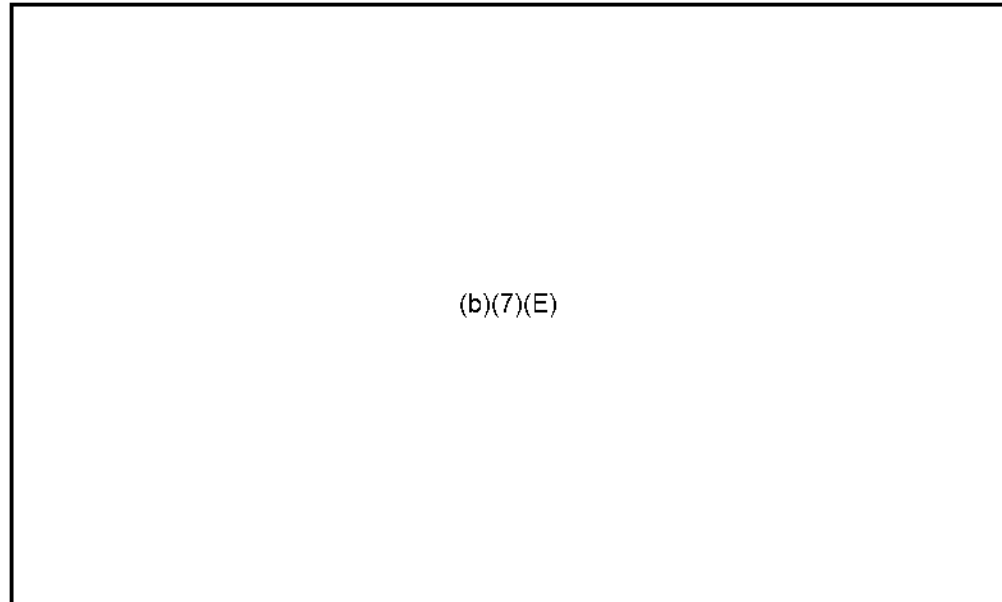
FIGURE 3



Instructor Notes: Access VIIS and proceed to main page where you will locate the link to the SEN system (located within the circle on figure 3). Students may follow along, but not all students will have this access. Access can be obtained through HSI.

4. SEN application page
 - a. Any of the above three links can get you to this page, provided you have been authorized access
 - b. See Figure 4
 - c. SEN applications include:
 - i. SIR
 - ii. SPEAR
 - iii. Predator Arrest (type of SIR)
 - iv. DRO Reports
 1. TAV
 2. LEAD

FIGURE 4



Instructor Notes: Do not specifically explain the above reports, rather, just advise students that there are more reports required than just a SIR and SPEAR. This lesson only discusses the SIR and SPEAR reports as they relate to criminal prosecutions.

B. EPO #2 – Prepare a SPEAR narrative.

1. Purpose

- a. Report anticipated enforcement actions (i.e., search warrants, arrests, seizures)
- b. Notify ICE Headquarters of an upcoming operation

2. Rules

- a. No later than noon on the day before the activity and no earlier than 48 hours before the anticipated activity
- b. FOD decides what is “significant” enough to warrant a SPEAR.
- c. Includes activity where press release or coverage is anticipated
- d. SIRs should follow SPEARs as they report the results or operational outcome
- e. Always have a supervisor approve prior to submitting

Instructor Notes: Figure 5 provides a screen shot of the SPEAR entry screen. The information required is self explanatory, and most provide a “drop down” menu which makes it easier for the student. Focus should be on the NARRATIVE, which is where the student will have to use report writing skills.

SEN
Appro

DEMONSTRATION: Use the “Query Report” button on the live SEN system to show previously submitted SPEARs from various FOD offices. Example SEN documents have been provided in student course material.

(b)(7)(E)

C. EPO #3 – Prepare a SIR narrative.

1. Purpose

- a. Report incidents, significant events, and other emerging or sensitive matters occurring in the field and affecting ICE
- b. Examples include but are not limited to:
 - a. National Security and Terrorism-Related Issues
 - b. Employee Related Issues
 - c. Facilities and Infrastructure Issues
 - d. Matters Involving Aliens Arrested or Detained
 - e. Contraband, Narcotic, and other Seizures
 - f. High-Profile Media and Political Issues
 - g. Miscellaneous (cyber-crime, internet-related, etc)

2. Rules

- a. No later than 24 hours after occurrence
- b. Must have supervisor approval
- c. May require a follow-up SIR
- d. Predator Significant Incident Arrest Report
 - i. PREDATOR arrest reports are SIRs
 - ii. Entry screen provides additional space for victim information and well as information regarding the subject's arrests and convictions
 - iii. The crime must involve a victim under the age of 18.
- e. ESCAPE Incident Identifier
 - i. Must be checked if SIR involves an escape
 - ii. Reporting officer will be required to contact the individual listed in the alert box that appears

3. Helpful Hints

- a. DRAFT COPY function allows for supervisor review prior to submission
- b. IMPORT BUTTON allows you to create a new report based off of previously written reports
- c. **If editing a previously saved DRAFT report and you choose the IMPORT REPORT function, the imported report will overwrite what was previously in the saved DRAFT report**

Instructor Notes: Figure 6 provides a screen shot of the SIR entry screen. The information required is similar to that of a SPEAR.

DEMONSTRATION: Use the "Query Report" button on the live SEN system to show previously submitted SIRs from various FOD offices. Example SEN documents have been provided in student course material.

(b)(7)(E)

(b)(7)(E)

II. Demonstration

- Demonstrate logging onto the SEN system directly as well as through IFS and VIIS.
- Log onto the live system and “QUERY” previously entered SIRs and/or SPEARs.
- Have students refer to example SIR/SPEAR in Participant Workbook.
- Ask students to provide examples of SPEARs or SIRs that they have either had to write, or provided information about.

See instructor notes for further information on the demonstration portion of this lesson.

III. Student Practice

Refer to the FOTP-P CCS Guide, Phase 11, for further explanation of the student practice.

The primary instructor will direct students to the “GOBY” SPEAR that has already been drafted and available to them on their student thumb-drive. Each FOT will now be responsible for drafting the SPEAR narrative describing the prospective enforcement activity, i.e., the execution of the criminal arrest and search warrants.

IV. Feedback and Remediation

An INSTRUCTOR goby is available to review the students completed document, critique and provide feedback as to whether information reported will satisfactorily notify ICE Headquarters of the upcoming operation.

CONCLUSION

I. Summary of Main Ideas

Your duties now include the execution of criminal arrest and search warrants. It is possible that your FOD may deem the anticipated enforcement action significant enough to call for a SPEAR. Upon completion of the action, a follow-up SIR may also be warranted.

II. Integration

Prior to this lesson, you appeared before a U.S. Magistrate and were issued an Arrest Warrant and Search Warrant. The FOD Glynco has decided that HQ should be notified of this anticipated enforcement activity. Your FOT will now write the SPEAR narrative as it relates to your target. Upon completion of the criminal warrant execution, your FOT will also write the SIR narrative reporting the results of the activity.

III. Objective(s)

Ask students if all of the objectives for the class were met. Ask the students to recall 2 or 3 key components of the course. Takeaways include:

- How to access SEN
- Significant events requiring mandatory reporting
- Difference between a SIR and SPEAR

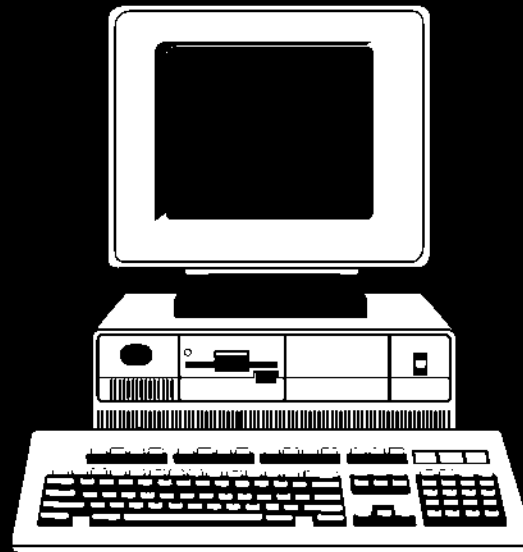
IV. Motivation

As the duties of the ERO officer continue to expand, and you find yourself getting more and more out of the office in order to perform your job, you will become aware of more and more significant events occurring within your AOR. Whether the incident or event has already taken place or it is anticipated to occur, you will want to report them. Using the SEN system will provide you with the fastest and easiest way to do this, which in turn, will allow for immediate response and assistance to you and others you work with.

V. Test of Final Activity

See FOTP-P CCS Guide. Phase 17 will be considered the Practical Exercise for SEN. FOTs will be expected to write a SIR narrative describing their teams' execution of the criminal arrest and search warrant. Instructors will utilize a GOBY SIR to review each FOT's narrative for accuracy and completeness.

Case Management



WIFM

Central Location

- Easy access – MANY!

- Permanent storage

- Easy retrieval

Organization

- Paperless

- Order

- Unique numbering system

TPO / EPOs

Given the acceptance/declination of a criminal prosecution case, the ERO officer will utilize (b)(7)(E) CM, in accordance with the user guide and established ICE policy.

Open a case in (b)(7)(E) CM (CM 79)

Enter ROIs and link Subject Records (CM 83 #1)

Enter INCIDENT report (CM 83 #2), Hours (CM 81 #1) and Stats (CM 81 #2)

CASE MANAGEMENT

You are already responsible for managing administrative cases in (b)(7)(E) using EABM, EADM and EARM.

Open criminal cases in (b)(7)(E) just like you enter screenings and interviews in EABM

Enter reports to include arrests just like you do in EABM

Link records and update stats and hours just like you do in EARM

OVERALL AGENDA

Lecture and Demo (24 students follow along) on CM 79

Lecture and Demo (24 students follow along) on CM 83 #1
and subject linkage

Each FOT will OPEN case on TAMPICO

Each FOT will enter 6 ROI's on TAMPICO as well as
subject record(s)

Lecture and Demo (24 students follow along) on CM 83 #2
(AR Report) and CM 81 (stats and hours)

Each FOT will enter AR report, stats and hours on
TAMPICO

Each FOT will enter ROI #7 along with closing stats (P.E.)

ERO Cases

All cases formally presented to the USAO will be entered in TECS Case Management

ACCEPTED – USAO has accepted the prosecution

DECLINED – USAO has declined the prosecution

****Refer to handouts in Participant Workbook**

Open / Modify Cases – CM79

- 1 OPEN CASE (b)(7)(E)
- 2 MODIFY CASE (b)(7)(E)

Only OPEN the case once. Any changes will be accomplished using MODIFY

Case Status Options:

Unopened, Open, Closed, Disposition Pending

Access Level = Who May View Records & Reports

Case Number Format

GN16B213GN0000

GN Office Designator (who's report?)

(b)(7)(E) Case Category (b)(7)(E)=Immigration)

(b)(7)(E) Sub Category (b)(7)(E)=Reentry)

(b)(7)(E) Source Code (b)(7)(E) ERO)

(b)(7)(E) Fiscal Year Opened

GN Originating Office (who initiated case)

0000 (b)(7)(E)-generated Sequential Number

Investigative Case Categories and Sub Categories

(b)(7)(E) – Reentry Investigation

(b)(7)(E) – Significant Removal Investigation

(b)(7)(E) – Absconder / Release Investigation

(b)(7)(E) – Firearms Investigation

(b)(7)(E) – Torture / Human Rights Investigation

(b)(7)(E) – General Alien Investigation/
Incarcerated

All ERO Cases will be (b)(7)(E) – General Alien Investigations

ERO Source Codes

(b)(7)
(E)

- AUSA
- HSI
- State/Local
- Other Federal

(b)(7)
(E)

- FPS
- ERO
- TSA
- CIS

Program Code

All prosecution cases will have a primary program code

(b)(7)(E) – ERO criminal alien investigations

Secondary codes as follows:

(b)(7)(E) – FUGOPS involvement

(b)(7)(E) – Secure Communities

(b)(7)(E) – 287G

(b)(7)(E) – LEAR

Group Code

Free field used to distinguish sub-office under the FOD:

3-letter EVENT code (b)(7)(E)

At the discretion of the FOD

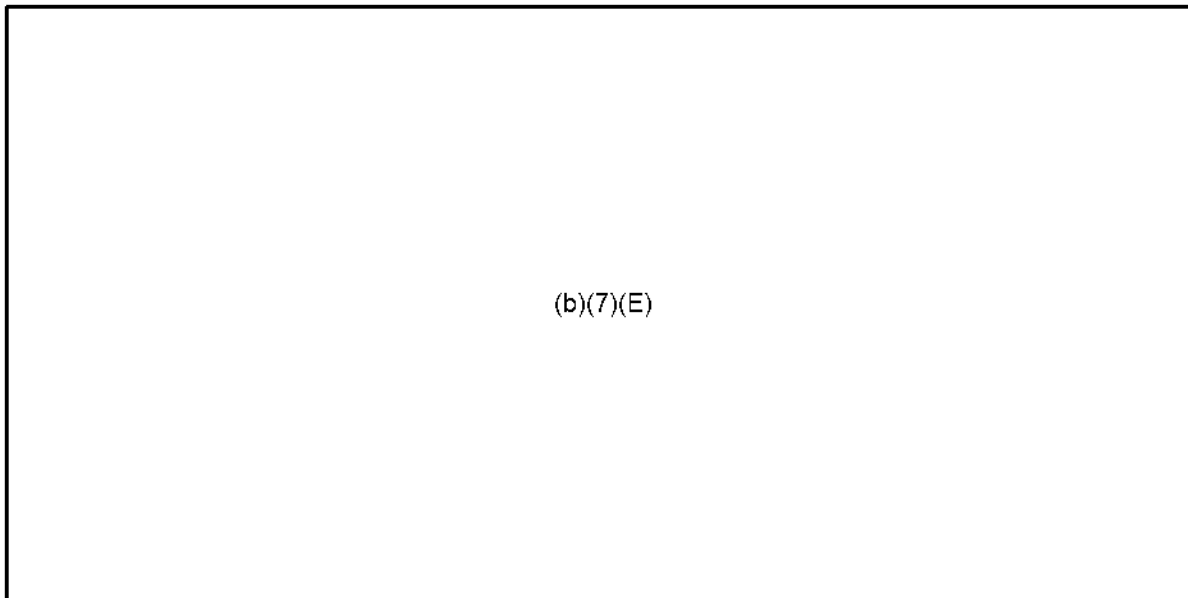


0K

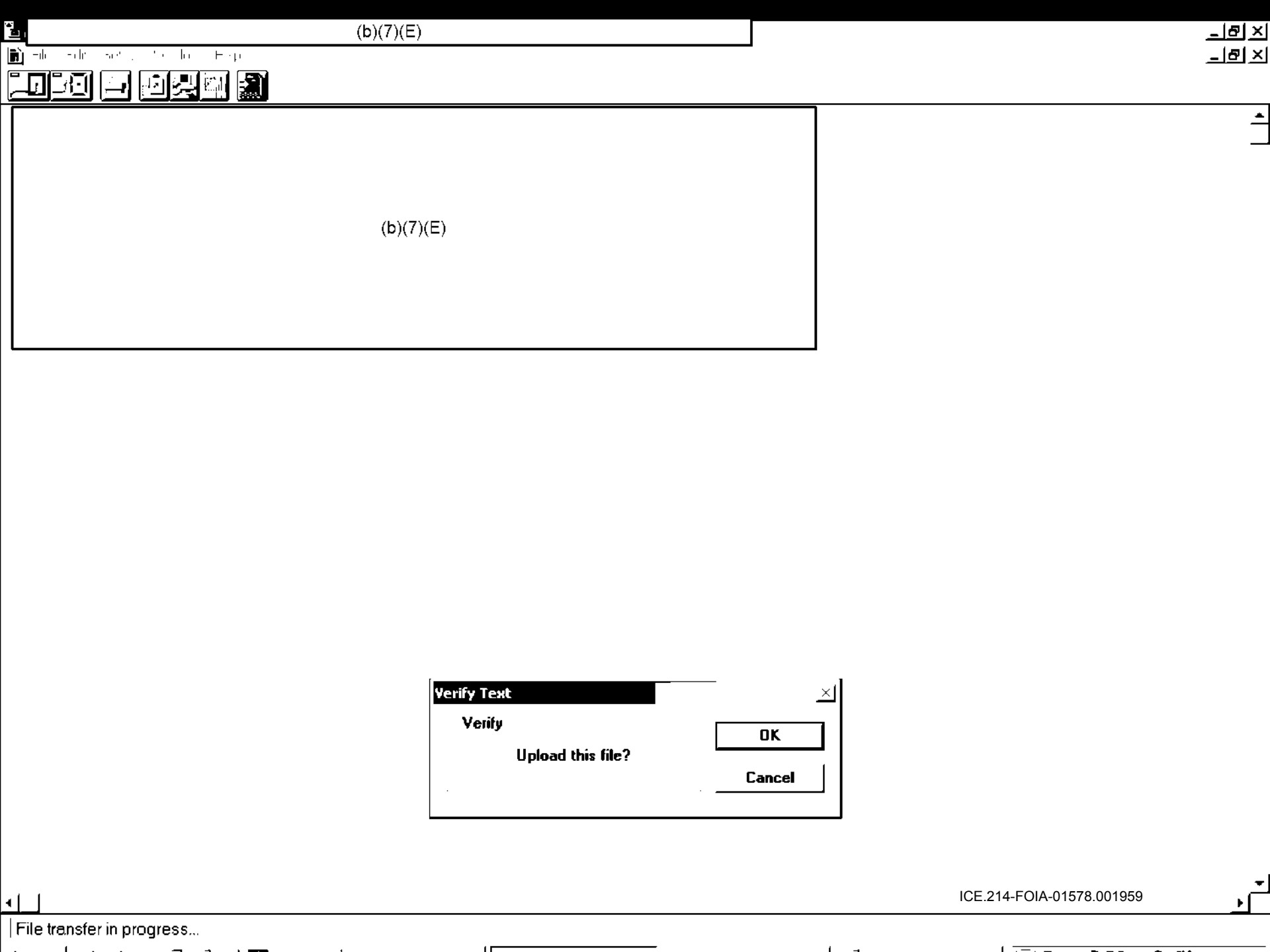
100K

Received 0K bytes

Stop



(b)(7)(E)



(b)(7)(E)

(b)(7)(E)

Verify Text

Verify

Upload this file?

OK

Cancel

ICE.214-FOIA-01578.001959

File transfer in progress...

(b)(7)(E)

Sends to Supervisor:

Case Opening Approved by
Supervisor

END OF BLOCK ONE

REVIEW

What type of ERO cases are entered into (b)(7)(E) CM?

What is the case category ERO will always use?

Why do you need to enter a group code?

What is the program code ERO will always use?

PREVIEW

Practice opening case on Joe -ALIEN

Block 2: ROI Lesson

Practice entering ROI on Joe -ALIEN

START OF BLOCK TWO

REVIEW

Criminal cases are tracked in (b)(7)(E) CM like administrative cases are tracked in ENFORCE

You have already learned how to open a case in CM79, and have practiced on Joe ALIEN

PREVIEW

Discuss CM83 #1 (ROI) and Subject Records

Practice entering ROI on Joe ALIEN

Phase 4-5 – Open TAMPICO case and enter TAMPICO ROI #1 and subject record(s)

Report of Investigation – CM83

ICE Case Management Handbook (HB 08-02)

The case agent/officer is primarily responsible for the accuracy of information as it is of critical importance during the prosecution phase

ROI's require an approved case

IMPORTANCE

Documents activities and overall results of the investigation

Provides a narrative description of information received or significant action, i.e., investigative findings, surveillance, search warrants, etc.

ROI STATUS:

Initial – first reports

Interim – subsequent reports

Disposition Pending – investigation complete /
judicial process pending

Closing – requires APPROVED Statistics and
Hours

ACCESS CONTROL

Determine which groups of (b)(7)(E) users may view the record

In general, the access level should allow as many users as practical

ERO cases cannot be set to an access level with less restriction than a 3

(b)(7)(E)

_ | 5 | x



(b)(7)(E)

Standard file transfer in progress...

ICE.214-FOIA-01578.001980

Start



2 Microsoft ...

2 NTVDM.EXE

TECS 2 hour p...

Microsoft Exc...

OI HB 08-02 C...



1:54 PM



三

LINKAGE

Only “link” subjects identified in the ROI

These include people, vehicles,
businesses, etc

Subject Records can be Linked to Source Documents (e.g., ROI) or to another Subject Record (e.g., target linked to car)

Subject Record and Maintenance

Documents ICE interest in Person,
Business, Vehicle, Vessel and Aircraft

May modify existing Subject Record to
update and/or add case specific
information

Access Control –LEVEL 1 for ALL

SUB RECORDS

The first record created is the primary record

Any subsequent records will become sub-records of the original

EX: CBP Officer creates a Subject Records;
ERO officer initiates a criminal case on that
same subject; ERO record will be a sub-record
of the original CBP record

(b)(7)(E)

Sends to Supervisor:

ROI Approved by Supervisor

GQ05:

General Query

Lets you LOOK at your case

END OF BLOCK TWO

REVIEW

What is the access control level for an ROI?

What is the access control level for a subject record?

What is linked to an ROI?

PREVIEW

Practice ROI and subject record on Joe

-ALIEN

Phase 4-5 – OPEN CASE and ROI 1

Report Writing LP and TECS CM Writing Standards

Phase 6-7 – ROI 2 and ROI 3 (WRITE FROM SCRATCH)

START OF BLOCK THREE

REVIEW

Criminal cases are tracked in (b)(6),(b)(7)(E),(b)(5) CM like administrative cases are tracked in (b)(7)(E)

You have already learned how to open a case, enter an ROI and link a subject record.

PREVIEW

Review writing standards for ROI's

Report Writing lab – ROI #2 and ROI #3

Phase 6 – ROI #2 and Linkage

Phase 7 – Practice Report Writing, ROI #3 and Linkage

ROI FORMAT

Synopsis

Details of Investigation

More Advanced ROI's

Collateral Requests

Undeveloped Leads

Exhibits/Attachments

Look at any of the ROIs on your thumb drive and see where the synopsis ends and the narrative begins

SYNOPSIS – lines–2 paragraphs

1st paragraph: describes the case, to include the violation (8USC1326), violator (NAME and A#), source of information, and who received the information (CAP, HSI, CIS)

2nd paragraph: brief description of the report to follow. EX: The following ROI details the indictment of SMITH for violation of 18 USC 911

DETAILS OF INVESTIGATION

Begin on Line with “DETAILS OF INVESTIGATION” (1st line of page 2)

Reports the facts developed in the investigation in clear and concise statements

Generally written in chronological order, describing what action was taken and the results achieved

WRITING STANDARDS

“ACTIVE” voice

Complete sentences

Third person

Avoid confusing pronouns (stay away from “he”
“she” “they”)

Define acronyms and abbreviations before use

Capitalize last name of SUSPECT only

Dates go at beginning of sentences

WRITING STANDARDS

Divide into logical paragraphs for easier reading

Limit the length of paragraphs

Refrain from subjective comments and opinion

If a conclusion is drawn, specify the information used to make the conclusion and identify it as such

OBJECTIVE

Communicate Facts to Reader

Focus on Facts – the who, what, when, where, how and why

Basis for Action

OBJECTIVE

Permanent Records – may be used again

Evaluation – managers, defense attorneys, and AUSA's may base opinion of your abilities based on reports

END OF BLOCK THREE

REVIEW – see ERO/Omaha ROI in PW

Name some writing standards for an ROI?

How many lines maximum can the synopsis be?

What line starts DETAILS OF INVESTIGATION?

PREVIEW

Finish ROI #2 and write ROI #3 Synopsis and Narrative

Phase 6 – enter and upload ROI #2

Phase 7 – enter and upload ROI #3

Incident Report, Stats and Hours

START OF BLOCK FOUR

REVIEW

Criminal cases are tracked in (b)(7)(E) CM like administrative cases are tracked in (b)(7)(E)

You have already opened your case (CM79) and entered many ROIs (CM83 #1)

You have followed TECS writing standards to draft ROIs

PREVIEW

CM83 #2 – Incident Reports

CM81 (#1 and #2) – Stats and Hours

SEACATS OVERVIEW

Customs & Border Protection (CBP), Fines,
Penalties & Forfeitures (FP&F) Property System
Search/Arrest/Seizure (S/A/S) is entered and
maintained via CM83 #2

Tracks disposition, location and custody of seized
property

Records based on FP&F number associated with
an Incident (S/A/S)

Search, Arrest, Seizure (S/A/S)

Only enter an AR not a SZ or SA

Seized property will be entered in the “property” tab of EABM

ERO does NOT have an MOU with FPF

Date of criminal arrest = Date arrest warrant executed (in the field or at initial appearance)

Incident Number – FY, Type of Incident, Sequential Number, and total number of violators 2011-AR-000432-01

SEACATS Incident Menu Selection

#1 – Add full length incident

PORT CODE = Used by respective HSI office

(b)(7)(E)

- interoperability

Don't forget to manually enter case number in the summary information screen!!!!

UPDATING SUBJECT RECORDS

As cases progress, Subject Records may need to be updated, specifically the remarks section

The record owner must ensure that the most accurate information is included in the Subject Record

(b)(7)(E)

Sends to Supervisor:

Incident Report Approved by
Supervisor

CASE STATISTICS

Stats account for the enforcement activities of your investigation, including:

Arrests, Indictments, Convictions, Dismissals

Arrest “AR” stat is created when you complete your S/A/S report a/k/a:

151, Seacats Report, or Incident Report

(b)(7)(E)

Sends to Supervisor:

Stats Approved by Supervisor

Enter related Interim ROIs

Link Subject

Closing Stat must be approved before
closing ROI entered

CASE HOURS

Enter at end of month and/or end of case

Must be entered and approved by Supervisor before entering closing ROI

Hours include regular hours worked and AUO

Hours should mirror ERO tracking sheet

(b)(7)(E)

Sends to Supervisor:

Hour and Closing Stats Approved
by Supervisor

Enter Closing ROI

Link Subject

DEMONSTRATION

Practice entering an Arrest Report on Joe
LASTNAME-ALIEN

Enter stats and hours

Enter Closing ROI (#2)

Check GQ05 – Case on Joe LASTNAME-ALIEN is
closed

PROPERTY/EVIDENCE

RECORDED IN

(b)(7)(E)

JOE ALIEN Screen Shots

TD 2 - Joe Alien folder

TD 12 – Evidence folder

Covered during EVIDENCE Block 2

END OF BLOCK FOUR

REVIEW

EABM, EADM and EARM each serve a different purposes as does CM79, CM81 and CM83

You have opened your case (CM79) and entered many ROIs (CM83 #1)

NEXT

Practice entering an Arrest Report, stats and hours on Joe LASTNAME-ALIEN

TAMPICO ROI #4, Arrest Report (CM83 #2) and review your stats (CM81 #1)

END OF BLOCK FOUR

FINAL LABS

Phases 21 – ROI #5

Phase 23 – ROI #6 and “IN” Stat

REPORT WRITING and (b)(7)(E) CM P.E.

Phase 25 – WRITE CLOSING ROI and enter ROI #7

PROSECUTION CASE FILE FOLDER P.E.

Phase 26 – Finalize Prosecution Case File Folder

Questions?



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Fugitive Operations

“Internet and Intranet Resources”



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Learning Objectives:

- **Identify and describe the use of internet and intranet websites to aid in locating fugitives.**
- **Identify ICE intranet resources and the types of information available in each site.**
- **Identify Non-ICE internet resources and the types of information available in each site.**
- **Develop database and internet search skills.**



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- There is an abundance of public records created for each and every person, and those records are easily accessible if we know where to look.
- Our job is to find those records and trace them back to the source.

Examples: Cell phone, Drivers License, Credit Cards, Parking Tickets, Debts, Employment



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Corrections/Jail Databases

- Corrections databases often assist in identifying and locating fugitives already in custody.
- Accurate telephone numbers, addresses, personal data, next of kin
- Logs and identification of family and visitors



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ICE.214-FOIA-01578.002061



State and Local Courts



- **Recent arrests and arraignments**
- **Next appearance date**
- **Judge and courtroom information**
- **Decisions and Appeal information**

(b)(7)(E)



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BIA Decisions on the Intranet

This page will enable you to search BIA Decisions by BIA Decision Date range, and/or an individual A-Number, and/or immigration judge name and/or base city.

Please enter your search criteria ...

Search by Date Range: From

To

Search by A-Number: A

(i.e. "12345678" or "12-345-678")

Appeal Type:

Please Select One



Search by IJ Name:

Please choose IJ Name



Search by Base City:

Please choose Base City



Clear



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ICE.214-FOIA-01578.002063



Sex Offender Registries

- Must register current address and employment information
- Recent photos, and description of previous offenses and charges
- All 50 states are documented on the FBI's Crimes Against Children Directory
- Risk assessment



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- International database of fugitives and wanted persons
- Criminal warrants, extradition, international liaison (FBI cooperation)
- Drugs, terrorism, human-trafficking, and organized crime



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ICE Fugitive Operations

- Top ten fugitive lists
- NFOP Directory
- Amber Alerts
- Officer safety bulletins
- HQ Directives, Policy, and Operations



(b)(7)(E)



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Intranet Databases

- Field Manuals for Deportation Officers (do's & don'ts)
- Field Manuals for Adjudicators (applications/rules), Inspectors (authorization), Special Agents (criminal search & seizure), Border Patrol Agents (regulations), Asylum Officers (applications), and Juvenile and Refugee aliens (what to do if...)
- Electronic Handbooks for NLETS and NCIC, also an F2 function
- INSERTS: CFR's, Administrative Decisions, Federal Register, ICE-specific forms, EEO Handbook, CIMT in depth coverage, BIA, case summaries, and much more

(b)(7)(E)



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(b)(7)(E)

Password/Account Maintenance for

(b)(7)(E)

databases

Event control options

Weekly statistics and reports

Training



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ICE Agency-Specific

Agency-specific databases contain the ability to identify and input: *person, place, or thing queries; intelligence; watch lists and alerts; visa applications; Significant Event Notifications and Significant Incident Reports.*

There are direct links to FPS, FDL, and the US State Department

(b)(7)(E)



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Satellite Imagery

Satellite Imagery provides aerial observation of a specific location and the surrounding area.

This is beneficial in determining possible escape routes, perimeter set-up, and operation/surveillance planning.

There are many excellent websites that utilize this technology:

Imapdata (requires password), Google Earth, and Local Live



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Other Internet Checks

Hospital Record Checks

City, State, and Local Police Department Records

County Property Assessment Records

Taxing Authorities

Department of Motor Vehicles

Reverse Phone/Address/Email Directories

Credit Bureaus



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ICE.214-FOIA-01578.002071

The Legal Department

Appeals checks, Justice & Commitment Records, and court decisions can often be verified through court databases such as PACER.

Each state maintains extensive court records, most are slowly becoming available online.

Build a list of Local, State, and Federal Court websites that can be easily utilized, and maintain a strong working relationship with the office of the Court Clerk.

(b)(7)(E)



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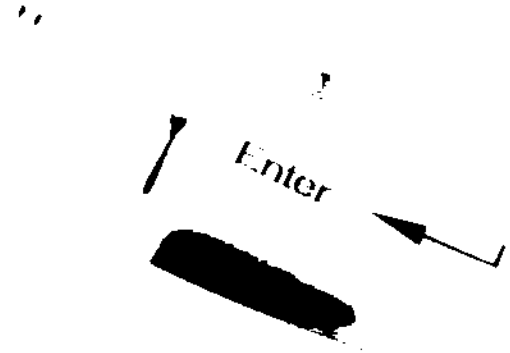


ICE.214-FOIA-01578.002072

Remember...

The internet and modern technology are a necessary advantage in apprehending fugitives and enforcing our laws.

The more we learn to utilize these systems, the more efficient and effective our efforts will be.



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The End



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Fugitive Operations "Mock" A-File Field Operation Accountability



	Number of Folders	Date Checked	Number of Pages (Left Side)	Number of Pages (Right Side)	Control Folder	Alien Number	Case Leads / Comments	Arrest
6A	5	5/30/06	6	19		(b)(6),(b)(7) (C)		No
6B	5	5/30/06	121	101			OSUP – reporting in	No
6C	5	5/30/06	8	8			X-wife Informs Transfer	Yes
6D	5	5/30/06	6	12			Jail visitation Logs	Yes
5A	5	5/31/2006	4	19				No
5B	1	5/31/2006	151	6	*		BIA Appeal	No
5C	5	5/31/2006	4	38			CI gives up vehicle info	Yes
5D	5	5/31/2006	4	8	*		Local PD Gang Task Force	Yes
4A	1	5/31/2006	93	35			AG Fel with 212(c) waiver	No
4B	5	5/31/2006	10	79	**		Subpoena wife's utility info	Yes
4C	5	5/31/2006	9	18				No
4D	5	5/31/2006	7	49			M-551 to local PD	Yes
3A	5	5/31/2006	5	39			Bank account under wife	Yes
3B	5	5/31/2006	6	21	**			No
3C	5	5/31/2006	9	19	*		NCIC court appearance	Yes
3D	1	5/31/2006	84	20			Section 245 adj. Granted	No
2A	5	5/31/2006	36	41	**		State custody	Yes
2B	5	5/31/2006	11	41				No
2C	5	5/31/2006	44	22	**		Withholding granted	No
2D	5	5/31/2006	3	21	**		Child Support Payments	Yes
1A	5	5/29/2006	7	34	**			No
1B	5	5/29/2006	7	36	**			No
1C	5	5/29/2006	8	24	*		Probation assistance	Yes
1D	5	5/29/2006	56	9	*		V-visa eligible	No

* Denotes F.O.R.C.E. input.

** Denotes Red Folder practical cases developed.

Denotes Benefits *GRANTED*, not removable.

Denotes locates.

ICE.214-FOIA-01578.002075



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“National Fugitive Operations Program”



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Objectives: By the end of this lesson you will be able to

Identify the mission of the National Fugitive Operations Training Program

Define a ICE/DRO Fugitive

Identify the ICE legal Authority and the methodology used for locating ICE Fugitives

Identify critical Operational Policy related to the apprehension of ICE Fugitives as directed in the Detention and Removal Operations Policy and Procedure Manual (DROPPM).



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Chapter 19 DROPPM:

Historical Background

General Policies

Case Management

Tactics

Vehicle Pursuits

Report Requirements

Most Wanted Program

Liaison/Task Forces

Interpol/Third Agency Checks

Training Requirements



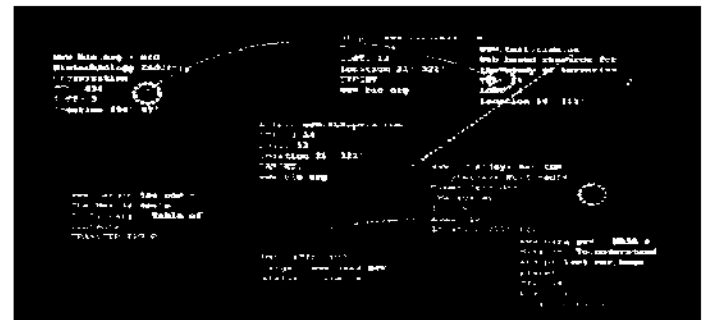
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Mission

Mission of NFOP is to identify, locate, arrest, process and remove fugitive aliens from the United States with the highest priority placed on those fugitives who have been convicted of crimes. Further, NFOP's goal is to eliminate the backlog of fugitives and ensure that the number of aliens deported equals the number of final orders of removal issued by the immigration courts in any given year.



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ICE -DRO Fugitive Alien- Any subject not in ICE/DRO custody, who:

has failed to Depart the United States pursuant to a final order of removal, deportation or exclusion. This is defined as a 5B, 8E and 8I.



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Andrew Locke / MSNBC.com

4. ICE authority to conduct operations

INA

- ◆ Section 287,
- ◆ Title 8 CFR

M-69 Law of Arrest , Search and Seizure for Immigration Officers (Appendix I-2)

Title 8 US Code 1357 (a)(4)



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Case Management/Priorities

All Fugitive Cases will be managed through FCMS (Fugitive Case Management System)

Priority of Fugitive Cases

1. Pose a threat to National Security

Any arrest involving a possible terrorist nexus, you must contact HQDRO Custody Unit

2. Pose a threat to the Community

3. Have been convicted of Violent Crimes

4. Have a criminal record

5. Non-Criminals with Removal/Deportation Order



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Target Goals

Effective FY07, each Field Office should seek to achieve a goal of at least 1,000 arrests per team.

Non-Fugitive Aliens may now be included in that total, but only where these arrests are made as part of a DRO Headquarters approved operation, i.e. Op Predator, et al

Each Field Office must nevertheless average at least 500 Fugitive arrests per fugitive Operations Team

See Memorandum Fugitive Case Management System Reporting and Annual Goals signed Sept 29, 2006 by Director John Torres



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Systematic Process: locating and arresting ICE/DRO fugitives.

Review the A-file to confirm alien is a ICE/DRO Fugitive (no court actions or benefits pending).

Perform records checks

- ◆ ICE Systems: CIS, DAC, CLAIMS,

(b)(7)(E)

 Intranet, etc.

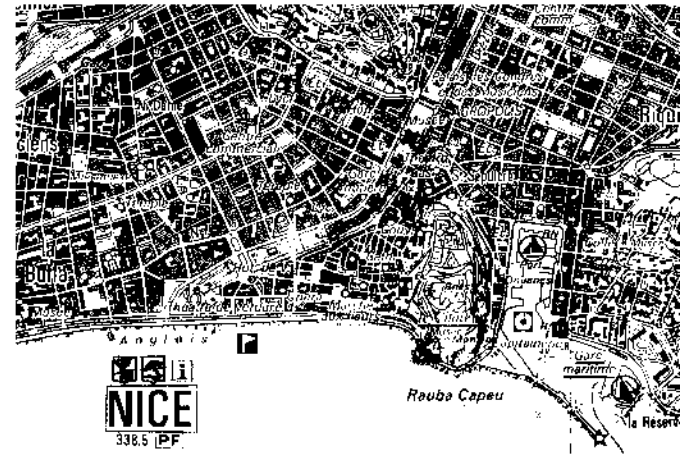


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Case Preparation

Create a work-file consisting of the following:

- ◆ Field Operations Worksheet
- ◆ Final Order
- ◆ Copy of Warrant of Arrest
- ◆ Criminal history printouts
- ◆ Fugitive's photo and prints
- ◆ Map to arrest site/Trauma Unit
- ◆ Contact numbers to local law enforcement
- ◆ Case/Surveillance notes(G166)



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5. Investigative tools

Wanted Posters

Computer Networks

Inter Agency Liaisons

Networking

ICE/DHS Databases

Local Databases



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Conducting Operations

National Fugitive Operations Policy offers guidelines for conducting Fugitive Operations

- ◆ Ensures that Fugitive Operations are conducted consistently throughout the Agency

Who

- ◆ All sworn Immigration Officers may participate in Fugitive Operations assisted by other Federal, State and local Officers. Arrests must involve at least (b)(7)(F) law enforcement officers
- ◆ Minimum of one ICE Officer/Agent must be present



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Conducting Operations

When

- ◆ Fugitive Operations will be conducted during daylight hours 6am-10pm, unless otherwise approved on the Operations Order or FOW by the FOD or his designate.

Where

- ◆ Agents may enter any area that is open to the Public without a warrant.
- ◆ In order to enter areas where there is an expectation of privacy, informed consent **MUST** be obtained.
- ◆ Common sense must be used. Officer safety is paramount. Certain areas such as schools, churches, hospitals and funerals are generally respected as off limits.



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Conducting Operations

How

- ◆ **Field Operations Worksheet (FOW)**

Must be signed by FOD prior to conducting a Fugitive Operation. The FOD can designate signature authority to a FOT supervisor.

Outlines the plan for locating and arresting a Fugitive

Lists support entities such as local law enforcement and medical emergency support.

Gives both immigration/Criminal History



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Supervision

FOT Supervisors are encouraged to accompany teams in the field whenever possible. A designated supervisor shall be reachable at all times when a team is conducting an operation. A supervisor will respond to the team leader's field location when requested to do so.

“Lead By Example”



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Local Law Enforcement Notification

Law Enforcement Agencies with Principle Jurisdiction over an area of Operation will be notified prior to any ICE Enforcement Action

This notification helps avoid misunderstanding and can help provide emergency tactical/medical support



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Emergency Response

The Operations Order or FOW will list the location and contact number to Emergency Response Entities/Hospitals within the area of operation

Team Leaders will designate at least one officer to contact 911 in the case of any emergency

Notifying the National Law Enforcement Communications Center (NLECC/SECTOR) of any operation/location is also a way to get quick emergency response.



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Issues

Consent/Admin Warrants

- ◆ In order to enter an area that is not public, informed consent must be obtained

Must be an adult, 18 yrs or older

Must have control over the premises

Consent must be voluntary

- Burden is on the government to prove consent was voluntary
- Document name, time and disposition of person giving consent on bottom of 2nd page of FOW, it is required at a minimum, to document who provided consent in the narrative of the I-213



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IC 214- 1576.00203

Special Considerations: Children/Infants

Prior to operation, notify Juvenile Coordinator of operation & possibility of having to deal with infants/children.

PRE-PLAN with DHS to ensure the children's safety and care if parent(s) are in ICE custody. Child may be in school, may be at day care, hospitalized, etc.

Considerations: number of children, ages, (medical issues, infant care/feeding, health, etc.)



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REFER TO THE TORRES MEMO ENTITLED

JUVENILES ENCOUNTERED DURING FUGITIVE
OPERATIONS

DATED 08/24/07

Highlights:

- 1) Nearest Child Welfare Authority
- 2) Local Law Enforcement
- 3) if 1&2 don't work FOT must carefully document fugitive's request for transfer of USC/LPR child to a verifiable third party.

*Remember the use of prosecutorial discretion
when dealing with juveniles.*



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Consent

Consent is involuntary when it is the product of Coercion or threat, expressed or implied

Officers need not advise the subject that consent may be refused, although whether such advisory is given is a factor in determining the voluntariness of the consent

Consent may not be obtained by Trick or Coercion. (Example= Escaped convict in neighborhood- we need to search your house).

M69 Section III-5 (Consent Searches)



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Ruse

Are approved by Service Policy (Memo dated Aug 15, 2005/ March 6, 2006 both signed by Director John P.Torres).

Ruses are primarily used as a way to lure someone out to an area where the arrest can be conducted with the least amount of danger to both officers and target

“Ruses run the gamut from saying you are looking for another person other than the target or adopting the guise of another agency



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Ruses

When adopting the guise of another agency (Federal, State or Local) that agency must be contacted and a memo produced to the file. The HQ Deputy Assistant Director, in consultation with the Office of Principal Legal Advisor, will consider issues raised by other entities/agencies

The use of Ruses involving Health and Safety programs such as administered by private, Federal, State or Local Agencies is discontinued



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Media Issues

All Media communications surrounding a fugitive operation will be addressed to the Director for the Office of Public Affairs.

Offices are encouraged to contact the OPA regarding High profile arrests or consideration of media releases that may be favorable to ICE.

Operations with the potential to generate public publicity, garner media attention, cross-jurisdictional boundaries or involve multiple agencies will require an Operations Order



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Vehicle Pursuit Policy



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Vehicle Pursuits Policy

All Vehicle Pursuits (High Speed/High Risk/Low Speed/Low Risk) are prohibited

Nothing precludes an officer, previously trained in vehicles stops at FLETC, from conducting vehicle stops. Vehicles conducting vehicles stops must be equipped with emergency lights and sound making equipment (sirens) as prescribed for law enforcement vehicles by the state in which the vehicle is normally assigned to operate.



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Fugitive Operations Support Center- Burlington, Vermont.

Created to support Fugitive Operations- reports to the HQDRO, Compliance Enforcement Division

Goals 1: Improve the accuracy/integrity of fugitive/absconders identified in DACS.

Goal 2: Develop leads on fugitives/absconder cases and send leads to the appropriate Field Office for location and apprehension

Goal 3: Support National ICE/DRO initiatives.



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INTERPOL

World largest international police organization with 168 member countries.

National Central Bureaus (NCB) each INTERPOL member country maintains a National Central Bureau staffed by National Law Enforcement Officers. The NBC is the POC for regional offices requiring assistance with overseas investigations and the location and apprehension of Fugitives.



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INTERPOL: Color Coded System

Red Notice: Seek arrest towards Extradition based upon an arrest warrant/Provisional warrant.

Blue Notice: used to collect information about a persons identity or illegal activity.

Green Notice: used to provide warnings and criminal intelligence about the persons who have committed criminal offenses and are likely to repeat these crimes in other countries.

: used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.



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Interpol Color Coded System

Black Notices: is used to seek the true identity of unidentified bodies.

: is used to warn police, public bodies and other international organization of possible threats to them from hidden weapons, parcel bombs, and other dangerous items or material.



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DRO Policy

A Green notice is an Interpol generated advisory that “provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters, pornographers). Operation Predator cases meet this definition. INTERPOL will be made aware of Operation Predator cases through the completion of a Green notice application. This notice will be completed at the time the Request for Escorted Country Clearance is made.



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Request for Foreign Verification

When a FOT uncovers or DRO has information that a fugitive alien has fled to a foreign country, the team will complete a RFV- Request for Foreign Verification will be made to HQFUGOPS, electronically or via mail. HQFUGOPS will then utilize whatever resources available (Embassies, INTERPOL,ETC) and provide the requesting office with the information obtained.



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Review

1. NFOP's Mission
2. Identifying a Fugitive
3. Knowledge of Authority
4. Conducting Operations
5. Policy Issues/Directives



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Questions

??????



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THE END



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